

A
0
0
0
0
1
7
9
7
0
5



UC SOUTHERN REGIONAL LIBRARY FACILITY

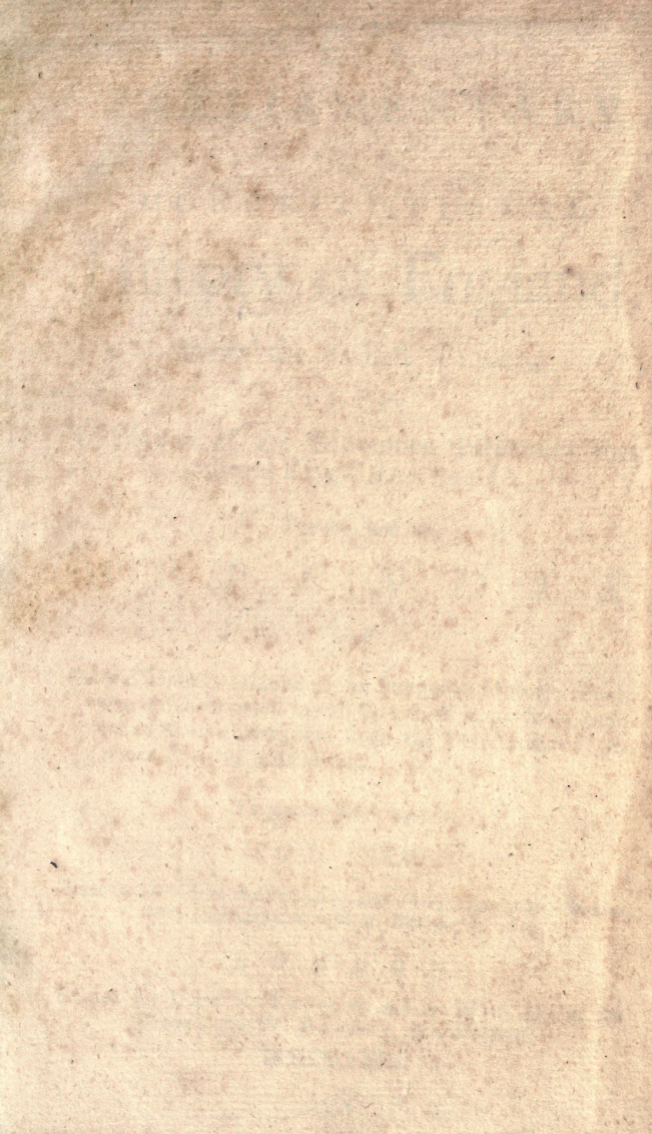
ia

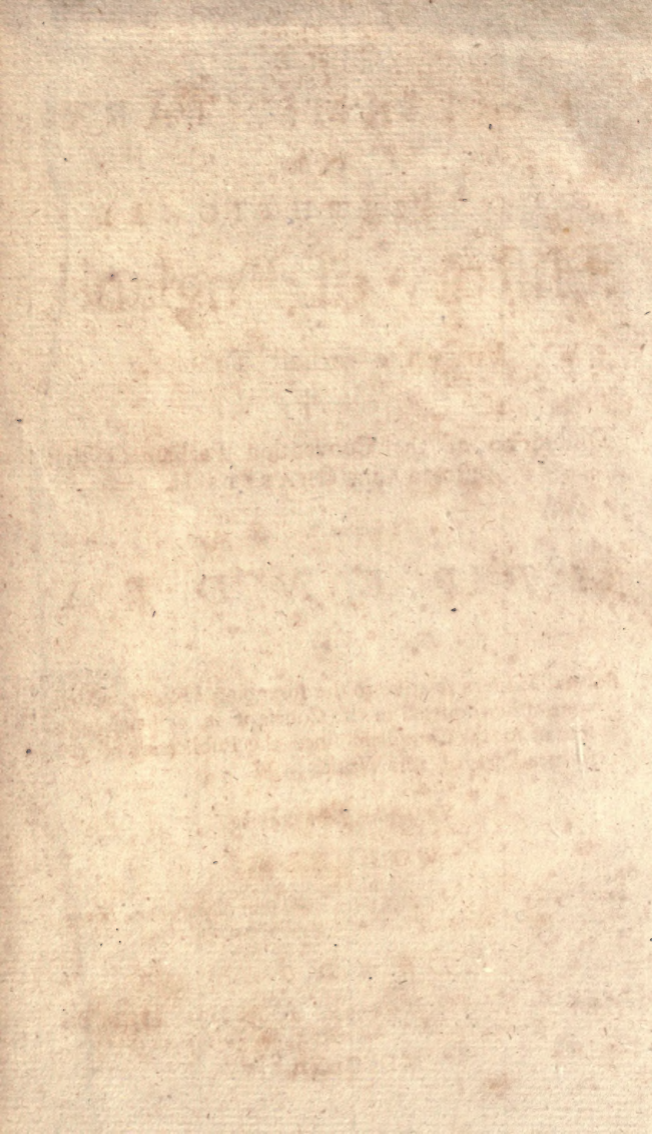


THE LIBRARY
OF
THE UNIVERSITY
OF CALIFORNIA
LOS ANGELES









THE
PARLIAMENTARY
OR
CONSTITUTIONAL
History of England,

From the earliest TIMES,

TO THE

Dissolution of the Convention Parliament that
restored King CHARLES II.

Together with an

A P P E N D I X

OF

Several Matters relative to the foregoing History, which
were either omitted in the Course of it, or have been
sent in to the Compilers since the Publication of the
former Parts of this Work:

Tu sapiens finire memento.

V O L. XXIII.

From the Meeting of the Parliament, after a short Adjournment, *Novem-
ber 6*, to the Dissolution of it, *December 29*, 1660.

L O N D O N,

Printed for J. and R. TONSON, and A. MILLAR, in the
Strand; and W. SANDBY, in *Fleet-street*.

MDCCLXIII.

THE

AMERICAN

OF

CONSTITUTIONAL

History of England

from the earliest times

to the present

History of the English Nation
reigned King CHARLES II.

Together with the
the Records, the Rolls of Parliament, the Journals
of both Houses, the Public Treasuries, Original Manuscripts,
and the several Contemporary Writers, and connected
with the History of the Times.

General Notices relative to the foregoing History, which
were either omitted in the Court Book, or have been
left out of the Constitution since the publication of the
former Edition of the WORK.

XX

and the Minutes of the Army and Navy, under the Com-
mand of King Charles the Second, in 1661, to the Meet-
ing of the Convention Parliament in 1689, in 1689.
And the Minutes of the Parliament after a short Intermission, from
1689, to the Dissolution of it in 1701, in 1701.

Printed for J. and A. TONSON and A. MILLAR, in the
 Strand, and W. SANDERS, in Fleet Street.
Printed by J. and S. MICKLETHWAIT, A. MILLAR, in the
 Strand, and W. SANDERS, in Fleet Street.

MDCCLXXII.

EDITORS to the READER.

TH E Conclusive Part of this long and tedious Work, brings it down to the Period we at first intended.—We cannot, without Pain, look back on the Rocks and Precipices, nor the barren Plains and inhospitable Mountains, we have passed over to gather these Anecdotes, during a Course of more than twelve Years Peregrination. And when we acquaint our Reader that we have gone through all our antient *Monkish* Historians, as well as Modern ones ; the Parliament Rolls and Records ; the Journals of the House of Lords in Manuscript, those of the Commons in Print, Page by Page ; add to these whole Cart-Loads, as we may well call them, of old Pamphlets and printed Speeches of the Times, he will not think the Allegory used above to be unjust.

We entered upon this History, at first, with a View that it might all be comprized in Three or Four Volumes at most ; and, indeed, the first Five hundred Years of Parliamentary Proceedings in this Kingdom are contained in Four : But then the latter Reigns, as those Times are much nearer our present Age, afford a greater Light, and have

multiplied to that Degree we scarce could put any Bounds to them—What still succeeds to our Period is copious and ample, easy to trace out, and has been travelled over before This History was ever thought of; and indeed was, in some Measure, the Occasion of it, for that former Performance seemed to us as a Tail without a Head. We have at length fixed on a Head; but how they agree together must be left to the Judgment of the Public. We shall not descant on the Merits or Demerits of the *Parliamentary Debates*: We shall only say, what we know to be true, that they were a Book-seller's Work, and that we had no Concern in it, nor any Hand in that Undertaking.

The Parliament which begun in the Year 1640, and ended not, fully, till twenty Years after, has furnished so many Materials for This Work, as has brought it to the enormous Size it now stands at, being the Contents of no less than Fifteen Volumes: And yet the Subject-Matter of those Times is so very interesting, so very instructive a Lesson to the present Age, and to all Posterity, as would bear no curtailing or Abridgement. A Reverend Prelate, who lived in, and wrote his History very near, those Times, speaking of the peaceful Reign of *Augustus*, which succeeded to the long Civil Wars of the *Romans*, when the most of their perfect Historians appeared, adds,

“ And

“ And it seems to me that we may expect the same
 “ Progress amongst us. There lie now ready in
 “ the Bank the most memorable Actions of twenty
 “ Years; a Subject of as great Dignity and Va-
 “ riety as ever passed under any Man’s Hands; the
 “ Peace we now enjoy gives Leisure and Encour-
 “ ragement enough; the Effects of such a Work
 “ would be wonderfully advantageous to the Safety
 “ of our Country, and to his Majesty’s Interest;
 “ for there can be no better Means to preserve his
 “ Subjects in Obedience for the future, than to
 “ give them a full View of the Miseries that
 “ attend Rebellion. There are only therefore want-
 “ ing, for the finishing of so brave an Undertaking,
 “ the united Endeavours of some public Minds,
 “ who are conversant both in Letters and Bu-
 “ siness: And if it were appointed to be the La-
 “ bour of one or two Men to compose it, and of
 “ such an Assembly to revise and correct it, it
 “ might certainly challenge all the Writings of
 “ past or present Times *”.

This is a very high Character of such a Work,
 and we much doubt whether our Labours can de-
 serve such an Encomium. However, we have
 done our best; we have preserved many Anecdotes
 of those Times from utter Ruin and Oblivion.
 And if we have not dressed up our History in such

* Sprat’s History of the Royal Society, Part i. p. 44.

pompous Language as others of our contemporary Writers, in this Way, have done, we say we never studied it; our whole Aim has been at Truth and Impartiality, and we never sought to lose Sight of either, for the Sake of a well-turn'd Period,



THE



THE
Parliamentary History
OF
ENGLAND.

AT the next Meeting of this Convention Parliament, which was but separated by Adjournment to this Day, *November 6,* there were no Ceremonies used; the *Journals* of both Lords and Commons beginning with Business, as if there had only been an Intermission for one Day. The House of Lords being informed that, since their Recess, the King had been pleased to confer the Honour of Peerage on the Lord-Chancellor *Hyde*, their Lordships ordered his Introduction in the usual Manner; and, being created Baron of *Hinden*, he was placed on the Baron's Seat as the youngest Baron, where he sat a-while, and afterwards resumed his Place again, on the Woollpack, as their Speaker.

An. 12. Car. II.
1660.
November.

The very first Thing the Commons did, after their Meeting, on a Motion made by Mr. *Hungerford*, was to vote the Sum of 10,000*l.* to be presented to the Princess *Henrietta*, the King's Sister; who, since their Recess, had come over with the Queen-Mother from *France*; the latter after an

An. 12. Car. II.

1660.

November.

Absence of nineteen Years. It was also moved, by Mr. *Stroud*, to congratulate the Queen's safe Arrival. Both which were agreed to by the Lords very chearfully.

The Queen came over at a very unlucky Time; for just before her Arrival died her youngest Son, *Henry Duke of Gloucester*, a Prince of great Hopes, and consequently much lamented. Mr. *Hungerford* moved the Commons again to desire the King to appoint a Fast for this Breach in the Royal Family; but this Motion not being seconded by any one, it dropp'd.

The Clerk of this House read the Articles of what Business was in Preparation, when they sat last and adjourned. After which Mr. *Knightley* moved for a Settlement of the Militia; which was seconded by Mr. *Bodurda*. To which Sir *Henry Cholmley* replied, That the Militia was already in the King's Hands; that it had set them together by the Ears once before; and desired it might be let alone: But Serjeant *Charlton*, Sir *Anthony Irby*, and Sir *Thomas Bludworth*, moving strongly for a Bill, a Committee was appointed accordingly to prepare and bring one in.

Next, on a Motion of Mr. *Lowther*, a Call of the House was appointed to be on this Day Se'nnight. At the same Time Sir *John Northcot* moved, That every Member might be examined, whether they had taken the Oaths of Allegiance and Supremacy. Mr. *Prynne*, Whether every one had paid his Poll Money according to his Degree. This Bill being found defective in the Money proposed to be raised by it, Sir *William Morrice*, seconded by Mr. *Chafe*, moved to have it amended; and said, The Deficiency came from the Indulgence and Remissness of the Commissioners; and added, That a Review would be as necessary as the Gleanings after bad Reapers. Mr. *Prynne* spoke in Favour of the Commissioners, and their Diligence in furthering the Collection; saying, That, to his Knowledge, they had written above 1500 Letters about it: But Mr. Speaker urging the Necessity of a Review upon the

Assess-

Affessments of all Corporations, who had tax'd themselves too partially, it was referred to a Committee to consider of this Poll Bill and the Defects thereof, and to prepare and bring in another Bill, for the better Supply of the Public Service.

Sir *William D'Oiley* reported from the Committee for disbanding the Army, what Progress hath been made in that Service, declaring what Forces they have paid off; what Sums have been paid to every particular Garrison, Regiment, Troop, and Company, and for discharging of Ships, as also what Forces are not paid off; with an Estimate what Money will be necessary to pay off the Land Forces to the 6th of *November* Instant, and the Ships to the 17th of *September* last: And what Money, both certain and casual, the Parliament hath consigned to those Uses, with a Balance between the Charge and the Money consigned, the Substance whereof is as followeth, viz.

Disbanded in *England*.

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Twenty-two Garrisons -	20023	18	7	}	217986	3	9
General Officers with the Train }	1642	13	6				
Fifteen Regiments of Foot	117966	0	6				
Four Regiments of Horse	55353	11	2				
Six Ships paid off —	23000	0	0				

Disbanded in *Scotland*.

General Officers and Train	797	11	3 $\frac{1}{2}$	}	32416 14 8 $\frac{1}{2}$
<i>Edinburgh</i> Garrison —	206	4	0		
Two Regiments of Foot	20149	8	8		
One Regiment of Horse -	11263	10	9		
					<hr/>
					250402 18 5 $\frac{1}{2}$

Forces to be disbanded in *England*.

Eleven Garrisons	13877	4	0	}	359734	15	10
Three Regiments of Foot	39308	13	0				
Nine Regiments of Horse,	168416	8	10				
with the Life-Guard of Horse							
Nineteen Ships, by Estimate	138132	10	0				

Forces to be disbanded in *Scotland*, or paid off.

Garrisons	3118	0	2	}	75681 14 6
Four Regiments of Foot	48685	19	0		
Maj. Gen. <i>Morgan's</i> Troop	3636	8	10		
Lord <i>Falkland's</i> Regi- ment of Horse	20241	6	6		

Total 435416 10 4

Besides divers Sums falling under several Heads, in the said Report specified.

Monies appointed by Parliament to pay off the Forces by Land and Sea.

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
Affignations on the three Months Assessment, commencing <i>June 24</i> , 1660	23000	0	0	413000	0	0
And — — — —	40000	0	0			
By the Poll Bill, estimated at	210000	0	0			
Two Months Assessments	140000	0	0			
	413000	0	0			

So there wants, to answer the Sum paid, and the Charge of the Forces to be disbanded; amounting together to 685,819*l.* 8*s.* 9¼*d.* the Sum of

Besides the said other Sums from casual and uncertain Charges, estimated at

And so the Money to be provided on the clear Balance is

The Total of the Monthly Charge, by Land and Sea, in *England* and *Scotland*, undischarged, is, by the said Report, computed at

He also reported an Account of the Monies received into the Treasury of the Chamber of *London*, at *Guiddhall*, upon the Account of the Poll Bill, amounting to

Received upon the Loan — — — —

In Toto 97630 4 0

Of which paid by the Book — — — 86376 15 4

Resting in Cash, to balance — — — 11253 8 8

Which said last-mentioned Account was read.

Sir *Anthony Irby* moved to return the King most hearty Thanks for his great Care of the Church-Government, in his late gracious

cious Declaration concerning Ecclesiastical Affairs, An. 12. Car. II. and to make an Act for confirming it. This Motion was seconded by Mr. *Bamfield* and Mr. *Stevens*; which last said, They might see by this, that when the King was separated from his People in Body, yet he was not so in Heart. Mr. *Lowther* moved, That the whole House might go to the King to give him Thanks; which was voted, *nem. con.* to be done that Afternoon. Mr. *Barton* was not for making a Law, as yet, upon the King's Declaration, because it referred to the calling of a Synod. Seconded by Mr. *Chafe* and Mr. *Harris*; and that the Book of Common Prayer should be read in the House. Sir *Thomas Clarges* said, That he was not against the last Motion, but that the Common Prayer was never read in the House, and moved to have a Law to confirm the Declaration. Mr. *Annesley* was for referring of it to a Committee to consider of it, and present it to the House. Mr. *Allen*, for appointing a Day purposely to take this Matter into Consideration, and not to do it too suddenly. Sir *Thomas Meeres* was against making any Act at all, but to leave it to a Synod. Sir *John Masham*, against taking it now into Consideration. Mr. *Bodurda* was for it. However, Mr. *Prynne* and Mr. *Jo. Stevens* moving for a Reference to a Committee, it was voted accordingly.

1660.

November.

Mr. *Tomkins* resumed the other Argument about the Common Prayer, and was for having it read in the House; in which he was seconded by Mr. *Finch*. The Speaker said, He never heard it read in the House; but added, There was a Form of Prayer in the Journal-Book, which was used to be read by the Speaker. The Lord *Bruce* moved for having the Common Prayer read in the House, or some other set Form, and not to leave it to the Spirit of Men. Sir *Walter Erle* reproved his Lordship for speaking so meanly of those who prayed by the Spirit. Mr. *Bamfield* said, He found nothing amiss in the Minister's Prayers. Mr. *Clayton*, for a set Form; and Mr. *Prynne* moving for the old Form, it was

An. 12. Car. II. voted to refer it to a Committee to inquire out the old Form, and present it to the House.
1660.

November.

November 7. This Morning, at the Meeting of the House, the last Affair was renewed. After their Minister had officiated, Mr. *Bamfield* moved, That a Form of Prayer might not be enjoined him till the Committee had made their Report, which was referred to them the Day before; and said, That the Mass might be introduced as well as a good Form, if it was done without Order. Upon this the Speaker excused the Minister from any more Service till the Form was ordered.

A Bill for preventing the Exportation of Wooll, Wooll Fells, Mortlings, Shortlings, Woollen Yarn, Wooll Flocks, Fullers Earth, and Fulling Clay, on Pain of Death, was this Day read, on the Motion of Mr. *Knight*, a second Time and committed. Mr. *Stevens* moved, That the first Fault might not extend to Death.

A Bill for erecting an Endowment of Vicarages, out of Rectories appropriate, was read a second Time. Mr. *Bodurda* moved, That the King might be desired to do the like out of such Impropropriations as belonged to him, and that the Colleges in each University might do the same. Sir *Thomas Meeres* added, That all Laymen should be obliged likewise to do it: Which was objected to by Sir *Heneage Finch*, as not fitting to clog the Bill with Gentlemen's Estates. Mr. *Prynne* said, The Labourer was worthy of his Hire; and moved that the Bill might pass. Serjeant *Charlton* was for having it extend to all Impropropriations. Serjeant *Hales* was not for all, because he thought it might obstruct the Bill. Several Members, as, Serjeant *Maynard*, Sir *Thomas Clarges*, Mr. *Thomas*, Mr. *Crouch*, &c. speaking for a Commitment of the Bill, it was ordered accordingly.

Sir *Heneage Finch* brought in a Bill for an Anniversary Fast on the 30th of *January*, unless of a *Sunday*, for ever. Also to attaint *Oliver Cromwell*, and divers

divers others, Actors in the horrid Murder of the late King, which had already suffered, or were dead.

This Bill was read a first Time; and Mr. *Prynne* saying, That since the Traitors heretofore read their Act for the Trial of the King twice together, he desired this might be read again; which was done and committed. Mr. *Prynne* also moved, That it should be referred to this Committee, Whether the rest that are condemned should be executed. Sir *Anthony Irby* moved, That all their just Debts should be considered and satisfied; but that their Estates might remain to the Crown for ever. Serjeant *Charlton* moved also for another Bill, in relation to those who stood excepted out of the Act of general Pardon, as to future Pains and Penalties, not extending to Life, or else to be inserted in a Clause of this Bill; all of which was ordered accordingly.

An. 12. Car. II.
1660.
November.

November 8. Business and Debates began now to grow slack in the House of Commons, nothing of Moment being done there; but that Mr. *Annesley* made a Report, That the Queen had returned her Thanks to the House, for the Sense they expressed for her safe Arrival: As did also the Princess Royal and the Princess *Henrietta*, for their Presents from the Parliament. The latter expressing her great Affection, and acknowledged the great Kindness of the House; but excused herself that she could not do it so well in the *English* Tongue, which she desired to supply with an *English* Heart. ^a

It was then ordered, That the Bill of Sales for Bishops Lands, &c. be revived; and that the Debate concerning the Court of Wards be taken up on the 19th Instant.

Sir *George Downing* moved to revive the Committee for the Woollen Manufacture of this Kingdom; and desired they might also consider the State of the Pilchard or Herring Fishery; and the Settlement of the *East-India* Company; which was ordered

^a This Princess was born at *Exeter*, in the Midst of the late Troubles, and stolen away by her Governess, when she was an Infant, and carried to her Mother in *France*.

8 *The Parliamentary History*

An. 12. Car. II.
1660.
November,

dered. Likewise, on a Motion of Mr. *Knight*, against planting of Tobacco in *England*, it was referred to the same Committee.

‘Resolved, That the Committee for examining the Debts of the Army and Navy, and other public Debts of the Kingdom, be also reviv’d, and that they report the same to the House.’

‘Ordered, That the Bill for supplying the Defects of the Act for Poll Money be speedily prepared and brought in.’

November 9. Sir *Henry Cholmley* delivered a Petition to the House from *Barrington Bouchier*, Esq; a Member, (Son to Sir *John Bouchier*, who was one of the King’s Judges) in Behalf of his Father; he himself having been concerned in Sir *George Booth*’s Affair, and, with others, very active in it. Sir *Henry* moved for Favour to him on that Score; and, being seconded by Mr. *Knightley* and Sir *William Lewis*, it was referred to the last-named Committee on the Bill of Attainder.

Mr. *Barton* made the like Motion in Behalf of Sir *Richard Mauleverer*, whose Father was also one of the King’s Judges; and Sir *Allen Broderick* for Sir *Harry Lee*, who had married the Heiress of Sir *John Danvers*, another of the Regicides. Mr. *Prynne* argued for attainting them all, and then leave their Lands to the King’s Mercy; which was seconded by Mr. *Knight*; but several others moving to refer them to the Committee, they were ordered accordingly.

November 10. This Day Sir *William Wheeler* reported some Amendments in the Bill for the better Observation of the *Lord’s Day*. Sir *John Masham* moved not to engross the Bill, because it was taken Care of in the King’s Declaration. Sir *Walter Erle* spoke for it; and said, That, in a former Parliament, he knew a Gentleman who, denying such a Bill, fell down dead in the House, he giving his Voice first for it, and afterwards against it. Which terrible Example, we suppose, so frightened the
House

House, that they ordered the Bill to be engrossed An. 12. Car. II. 1660. without any more Debate about it.

Mr. *Bamfield* moved to have the Bill read against profane Cursing and Swearing; which was done. Mr. *Stevens* approved it, and desired there might be a Course taken against drinking of Healths. Mr. *Swanton* also moving, That a Reward should be given to the Informer, the Bill was ordered to be referred to a Committee.

November.

Mr. *Ferrers* brought in a Bill for preventing the voluntary Separation, and living apart, of Women from their Husbands: That they should not be allowed Alimony, or have their Debts paid, if they went away without Consent; which was read a first Time, and on which a notable Debate ensued, as given in our Diary.

Sir *John Northcot* said, It was not improper for an old Man to speak in Behalf of the Women; that perhaps a young Man, marrying a rich old Woman, might also take it into his Head to part from her, and so the Woman might be ruined; therefore he moved to throw out the Bill. Sir *John Potts* was not for falling too hastily on this Matter. Mr. *Knight* moved for casting out the Bill, because there were Laws already against it; and said they ought not to be so severe to the Female Kind. Mr. *Stevens*, That the Bishops Court would take Care of such Things; and moved to do nothing in this Matter. Mr. *Hoskins*, to read it again; saying, He knew a Gentleman who paid 500 *l.* for his Wife's Debts in six Months Time. Mr. *Bamfield* said, That it was fit Women should have a Livelihood; and yet not to have Power to ruin their Husbands by their own Debts. Mr. *Knightley* moved to lay the Bill aside; but Mr. *Prynne* humorously saying, That, if they did, those that had ill Wives would call for it again within a Day or two, the Question was put, Whether this Bill should be read a second Time on the 15th Instant, the House divided; and it was carried for a second Reading, 116 against 96. Sir *Ralph Knight* and Mr. *Willoughby*, Tellers for the

Debate on the Alimony of Wives who live from their Husbands.

An. 12. Car. II. the Yeas; Mr. *Herbert* and Lord *Ancram* for the
1660. Noes.

November.

November 12. This Day, amongst other Matters, Sir *Thomas Clarges* reported the State of the Public Debt; of which he gave in an Estimate as follows:

The Estimate of the Debts of the Navy, in Charge before his Majesty's coming in.

The Debts of the Army and Navy stated. For Discharge of the Officers and Mariners Wages, Provision of Victuals and Stores, and to the Office of the Ordnance; and the ordinary and extraordinary Expences of the several Yards, the Account is estimated to 678,000 *l.*

Whereof the Officers and Mariners Wages, to the 10th of *November*, is exactly stated (over and above the 25 Ships now under Consideration, and besides that Number of Ships his Majesty receives into his Pay) to amount to 248,049 *l.* 8 *s.*

The Commissioners for disbanding the Army have estimated what Money they conceive will be brought in upon the Bill for Poll Money, and the Assessments; and compute that there will be wanting, to disband the remaining Part of the Army, and such of the 25 Ships which are not yet discharged, the Sum of 422.819 *l.*

His Majesty's Commissioners for managing the Affairs of the Navy do also offer, to be humbly represented to the Consideration of the House, that all his Majesty's Stores are now empty, both of Victual and all other Necessaries for the Fleet; and that the Charge of renewing them will amount to 200,000 *l.*

Which raises the whole Sum to 1300819 8 0

Of which Sum that which will require a present Supply and Advancement, to pay of the Officers and Mariners, and totally disband the Army, is } 670868 8 0

Debate upon
them.

A Debate arose on the stating this Account, which our Diary gives in this Manner: Mr. *Knight* first moved to raise Money to pay these Debts by a Six-Months

Months Assessment. Mr. *Prynne* said, The Poll Bill had not yet raised to the Amount of 210,000*l.* and moved to nominate a Committee to find out some other Way to raise Money to pay the Public Debts. Sir *Thomas Clarges* was for the House to resolve itself into a Grand Committee on that Account. Sir *John Northcot* moved to borrow Money of the *Hollanders*, and give the Excise for Security at Six per Cent. Mr. *Stevens* was for having every Member examined, whether he had paid to the Poll Bill, according to his Degree and Estate. Sir *William Morrice*, in a set Speech, said, The Debts of the Public would be like that Serpent in *America*, which would eat a Cow at a Meal; and, falling asleep, the Birds of Prey devour him; but if they break not the Bones of him, he grows as big as before: So would the Debts of the Nation, he said, if not fully satisfied and paid off together: Or like the Woman's Hen, which she roasted with a Faggot, Stick by Stick, till the Faggot was spent, and the Hen still raw. But said it was fitter to do as one did in *Spain* to the Inquisitor, who, sending to him for a Dish of his Pears, the Man sent him the whole Tree, because he would not be troubled with the Inquisitor again. He concluded with moving for a Year's Assessment, at 70,000*l.* a Month, to do it all with Credit: For the City, he said, was too backward in lending Money, though they had got more since the King came in, than in some Years before.

An. 12. Car. II.
1660.
November.

This Motion for a Year's Assessment was seconded by Mr. *Pierrepont* and Mr. *Annesley*; the latter urging, That it should be set forth that no more such Tax should be laid upon the People. Mr. *Young* argued against borrowing the Money from the *Hollanders*, to the Dishonour of the Nation. Several Members beside speaking for a Grand Committee, the same was ordered to be the next Morning.

Col. *Lockhart*, late Governor of *Dunkirk*, petitioned the House for Money he had borrowed to support the Garrison there. After the reading of which

An. 12. Car. II.
1660.
November.

which Sir *John Northcot* stood up, and said, He was against paying the Debts of that Instrument to the Tyrant *Cromwell*; but moved to let him go to his Master for his Debt. Some other Members speaking, *pro* and *con*, in this Affair, it was ordered to be referred to the Committee for public Debts, to examine, &c.

November 13. A further Act for the better Explanation of the Poll Bill was read a second Time. Dr. *Clayton* moved, That all who were made Lords, or Knights, by *Cromwell*, might pay accordingly; likewise all who took the Name of Doctors of Physic upon them. Sir *Thomas Bludworth* was for an Explanation, whether Captains should not pay equal to Esquires. The Bill was committed to the same Committee that were ordered to prepare it.

According to the Order of Yesterday, the House resolved into a Grand Committee for Consideration of the public Debts. Mr. Speaker left the Chair, and Serjeant *Raynesford* was appointed to take Care of the Business.

Mr. *Knight*, seconded by Sir *Heneage Finch*, moved to raise Money by a Land-Tax. Sir *John Northcot* was for not paying any of *Cromwell's* Debts; and to leave the raising Money by a Land-Tax to the last Way of all. Serjeant *Maynard* moved for a Land-Rate; Mr. *Trevor*, for a Monthly Tax; and Mr. *Annesley*, for a Year's Tax. Sir *William Vincent*, for the same. Mr. *Henry Eyre* moved to raise 800,000*l.* half by the Excise, and the other half by a Land-Rate; and all that would advance Money to be allowed Eight *per Cent.* Mr. *Palmer* urged the stating the Debts; which Mr. *Prynne* did, but could not state them all; on which the further Consideration of this Business was again referred to the next Morning.

A Book, then printed, intituled, *The Long Parliament revived*, by *Thomas Phillips*, Gent. was offered to the Consideration of the House, as a Matter wherein their Privileges were much concerned.—Ordered, ' That the said *Phillips* be sent for into Custody,

Custody, and the Matter referred to the Committee An. 12. Car. II.
for Privileges to examine, &c. 1660.

November.

November 14. According to former Order, the Bill against Women, for refusing to cohabit with their Husbands, if desired, was read a second Time; on which another short Debate ensued. Mr. *Ferrers*, who brought in the Bill, spoke in Behalf of it, and offered a Proviso to it. Sir *William Lewis* was for casting it out. Mr. *Prynne* said he was for the Bill, though he never had a good or bad Wife in his Life. Mr. *Walpole*, That this was so severe a Bill upon the Women, that, if a Bridge was made from *Dover* to *Calais*, the Women would all leave this Kingdom: That it therefore inverted the Proverb; and *England*, that was formerly the Heaven, would be now the Hell for Women. However, the Bill was committed.

The same Day the House went again on Ways and Means to raise Money; when Mr. *Bamfield* offered a Petition from some Persons, who then waited at the Door, who proposed to raise 500,000*l.* out of the Church-Lands. Col. *Shapcot* moved to take this Proposal into Consideration; which was opposed by Sir *Heneage Finch*. Mr. *Prynne* was for having the Church-Lands to pay to a general Assessment; but it was not agreed to. However, on a Motion of Mr. *Annesley*, it was resolved, 'That a Tax of 70,000*l.* a Month, for six Months, should be charged on the Kingdom, to commence on the first Day of *January* next ensuing: And that Sir *Heneage Finch* and his Majesty's learned Counsel be desired to prepare and bring in a Bill for that Purpose.

November 15. Sir *John Northcot* moved the House, That a Message be sent to quicken the Lords to dispatch such Bills as were sent up to them from thence, particularly one against Papists; since this Bill, which came down from them, was read presently. Mr. *Knight* moved to read it again; and Mr. *Young* seconding Sir *John Northcot*, Sir *John* was

14 *The Parliamentary History*

An. 12. Car. II. was ordered to go up to the Lords, to desire that House to give Dispatch to some Bills formerly sent up, and now depending before their Lordships, as, the Bill for confirming of Marriages; that of Leases belonging to Colleges and Hospitals; the Bill for confirming of *Magna Charta*, and other Fundamental Laws; as also the Proclamation for putting the Laws in Execution against Popish Recusants; being all Bills of public Importance. To all which Sir *John Northcot* brought Answer from the Lords, That the three Bills mentioned were under Consideration, and that the Proclamation should also be so, as they would learn by Messengers of their own.

1660.

November.

This would naturally lead us back to consider what the House of Lords had been doing all this Time; but, upon Inspection into their *Journals*, we find nothing before them of any great Moment, except some Things which are already mentioned. We shall therefore go on with the Commons, who seem to have the public Business of the Nation most upon them at this Time.

November 16. Mr. *Knightley* brought in a Bill for settling the Militia of this Kingdom; which was read a first Time, and on which a Debate ensued, which we give from the Diary.

Debate on the
Militia Bill.

Mr. *Pierepoint* moved for casting out this Bill, because there was Martial Law provided in it; which, he said, would be a strange Grievance laid upon the People, and desired another Bill might be drawn without it. Sir *Heneage Finch* said, That, whoever brought in Martial Law, deserved to be made the first Example of it. Neither could he ever consent to bring themselves to be Wards to an Army, when they were endeavouring to free themselves from being so to the King: But was for a second Reading, for the better understanding of this Bill. Sir *Walter Erle* said, He never knew any Bill that ever intrench'd so far upon the Subjects Privilege as this did, and moved for another Bill. Mr. *Knight* spoke for this Bill. Mr. *Goodrick* said, It was one of the best and worst Bills that could be made,

made, and moved for an Alteration. Several other Members, as Mr. *Harris*, Mr. *Prynne*, Mr. *Chafe*, and Mr. *John Stevens*, moved for a second Reading, and to have the Bill regulated. Sir *Edward Turner* said, That it was fitting there should be great Care taken for the Settlement of the Militia; but could not agree to set up such a Martial Law as Mr. *Pierepoint* spoke of; however, he moved for a second Reading. Lord *Falkland* said, That the settling of the Militia heretofore occasioned all their last Mischief, and therefore advised a second Reading. Sir *William Lewis* moved that the Bill might be read again on that Day Se'nnight, since many Objections might arise, the Bill being of so great Importance as to require much Consideration about it. Serjeant *Charlton* said, There was Reason for compulsory Justice for those who refuse to obey Orders; and therefore moved to amend the Bill speedily, and read it the next Morning.

An. 12. Car. II.
1660.
November.

Sir *Anthony Irby*, Sir *Richard Hopkins*, and Mr. *Annesley* were for allowing more Time, which was till the 20th Instant; though, as the latter said, the Bill was well known already; which the House ordered accordingly.

Mr. *Prynne* offered a Letter to the House, purporting some Miscarriage in one or more of the Lord-Lieutenants acting as a Commissioner of the Militia: And, after a long Debate, says the Diary, by several Members, Whether it should be read or no, as it did come from a Member of the House, the Speaker instanced a Letter to the Parliament from Sir *John Hotham*; which had not been read, but that he was a Member: However, the Question being called for, the House divided upon it, when the Noes carried it by 181 against 105.

The Lord *Howard*, of the North, moved for some Course to be taken with the Moss-Troopers, on the Borders of *Scotland*, and delivered in a Bill for that Purpose, which was read a first Time. Sir *John Lowther* opposed this Bill, as he said, for keeping Peace in the Country, and that it might be done as formerly. But Sir *George Downing* speaking
for

An. 12. Car. II. for the Bill, it was ordered into Consideration on the 20th.

1660.

November.

November 17. Mr. *Knightley* moved for a Committee to bring in a Bill for confirming the King's Declaration, touching a Settlement in the Church, which was ordered accordingly.

Mr. *Thomas* reported Amendments to the Bill of Attainder, with the several Times of the Judges sitting at the Trial of the King, and signing the Warrant for Execution; of those who were referred to further Pains and Penalties to be inflicted on them, not extending to Death.

Some Petitions were offered to the House, and read from the Sons and Heirs of such Regicides, which were referred back to the Committee. Col. *Titus* moved to leave them all to the King's Mercy. On the contrary, Mr. *Prynne* moved to proceed against them all, as in the Case of the Powder-Traitors, and produced, for Precedent, the several Books of Proceedings in that Case. He desired, That all those that sat and signed for the King's Death, might be attainted, notwithstanding the Merits of their Children, and then left to the King's Mercy. Mr. *Pierrepont* seconded this last Motion, and added, To examine well the particular Merits of the Children, before they were recommended to the King. One Member, not named, moved to bring in a Bill apart, for the Attainder of *Cromwell*, *Ireton*, *Bradshawe*, and *Pryde*: But we imagine these Affairs were dropped for the present, for there is scarce a Word of them in the *Journals*.

Mr. Secretary *Morrice* acquainted the House, That he had found out and examined the Author of the dangerous Book, called *The Long Parliament revived*. That his Name was *William Drake*; that he had confessed to him he wrote the said Book, which struck at the Root of their Proceedings; and that he was in Custody at the Door.

Captain *Titus* said, That he knew the Man to be a Loyalist, and a great Sufferer for the King, but did not believe he wrote the Book, tho' he had the

Vanity

Vanity to own it. This was seconded by Mr. *Holles*. An. 12. Car. II. 1660. And Mr. *Bamfield* moved for flighting the Business, as the best Way to get rid of it. However, the Prisoner was ordered to be called in, and being at the Bar, the Speaker asked him, Whether he wrote that Book which was then shewn him? He confessed he did write it, but said, It was out of his Depth of Loyalty and Integrity to the King, and for the Benefit of the Kingdom: That he had been a great Sufferer already for the Royal Cause, and it would be hard indeed to make him now suffer again for doing what, he thought, was right for his Sovereign. The Speaker again asked him, Whether he had the Help of any one else in it? He answered, No, he had no Help but only of the Lord *Coke's* Books; and that he put the Name of *Phillips* to the Book, because he himself, being a Merchant, could not be thought to write such a Book. Mr. *Drake* being withdrawn, Sir *John Frederick* and Sir *Edward Massey* both spoke in his Favour. Mr. *Prynne* moved to refer it to a Committee. Sir *Heneage Finch* said, That he could not think any thing more dangerous than the writing this Book at such a Time; that it blew up this Parliament totally, and damn'd the Act of Oblivion; and the Author had shewed himself the greatest Incendiary that could be, and all his former Merits could not countervail this Action. Therefore he moved to proceed to Justice with him, and that he should stand committed, and the Business be referred to the Committee of Privileges. All which was ordered; and that they should read over the said Book, examine and state the material Points that are offensive there, and report them to the House.

November 19. This Day, according to former Order, the House fell into a Debate on the Business of the Court of Wards, and the Settlement on the King in lieu thereof.

Sir *Henry Cholmley* said, That if the King's present Revenue was made up 1,200,000 *l.* a Year, the Court of Wards might be spared, without any further

An. 12. Car. II.
1660.

November.

ther Trouble. Sir *Samuel Jones* and Sir *Thomas Widdrington* moved to raise it by the Excise. Mr. *Knight* was for laying Two-pence in the Pound on all the Lands in England. Mr. *Pierepoint* against a Land Rate; but to lay it on the Excise of Ale and Beer. Sir *Thomas Bludworth* against the Excise, and for a Land Rate; as was Sir *John Potts*. Mr. *Annesley* was for placing the Tax upon Land; which, he said, ought to pay, and not to charge it upon the poor People, by Way of Excise. He was seconded by Sir *William Vincent*. Sir *Heneage Finch* moved for referring it to a Committee, to propose a Method for raising the Sum required. Mr. *Knightley* and Sir *Walter Erle* spoke for a Land Rate; which was objected to by Serjeant *Charlton*, who said, He never knew a Land Rate perpetual, as this must be. Sir *George Reeves* was rather for regulating the Court of Wards, than burden the People with Taxes. Sir *John Frederick* for laying it upon the Land, which ought to pay it. Mr. *Clifford* for any thing but the Court of Wards. Sir *John Northcot* and Mr. *Thomas* against a Land Rate, and to leave the Proposal at large. Sir *Henry North* also spoke against a Land Rate.

Upon the whole, it was resolved to adjourn the Debate till the 21st Instant.

November 20. Very little Business of Moment happened in the House of Commons this Day, except we mention the further Proceedings against Mr. *Drake*, for writing the Book, called *The Long Parliament revived*.

Exceptions to
Passages in Mr.
Drake's Book.

Serjeant *Raynesford* reported the Resolution of the Committee who examined that Book, That they found several offensive Passages in it, particularly these following, viz.

‘All other Parliaments (speaking of the Long Parliament) have no legal Capacity till this be legally dissolved.’ p. 6.

‘The Act is exprefs, That by no Means, but by an Act of Parliament, it shall be dissolved; which, as it cannot be done by the dead King, but

‘but may be done by his Successor, it ought to be dissolved, else it remains in full Being and Authority.’ p. 14.

An. 12. Car. II.

1660.

November.

‘The legal Being of the Long Parliament is evident.’ p. 16.

‘Tho’ many excellent Things have been done by this Parliament, yet, their Authority not being legally founded, the Nation can promise to themselves no Happiness nor Assurance.’ p. 16.

‘It were to be wished the Legislative Authority might revert into the right Channel.’ p. 17.

‘That being a lawful Parliament, this can be none.’ p. 21.

‘At the Committee of Privileges, Saturday, November 17, 1660.

‘Resolved, upon the Question,

1. ‘That the Pamphlet, intituled *The Long Parliament revived*, &c. is seditious in those Particulars which were alledged at the Committee.

Resolutions of the Committee, and

2. ‘That the House be moved to order, That the said Pamphlet be publicly burnt by the Hands of the common Hangman.

3. ‘That the House be desired to appoint a Committee for the drawing up an Impeachment, in the Name of all the Commons of *England*, against *William Drake*, for penning and publishing of this seditious Pamphlet, to be presented to the Lords.

4. ‘That the House be moved, That the said *William Drake* may be kept under such Restraint, that none may have Access to speak with him.’

Our Diary tells us, that Sir *Edward Massey* presented a Petition to the House, from Mr. *Drake*, acknowledging his Faults as a rash and inconsiderate Action; that he had ever retained his Loyalty, and humbly begged the King’s Pardon and the Favour of the House. Sir *Edward Massey* spoke also in his Behalf, saying, That he looked upon him to be distempered, and therefore desired the Favour of the House for him. Mr. Secretary *Morrice* said, That Punishment in the *Greek* was the same as Example, and that he ought to be made one, because he

A Debate upon them,

An. 12. Car. II.

1660.

November.

did not own their Power ; and moved to agree with the Committee. Captain *Titus* spoke highly in his Favour, saying, He did not think him infallible, tho' he knew him to be extremely loyal ; but he wanted that Temper of Mind which he ought to have ; and added, That his former Merits should compensate for his present Slip. Lord *Falkland* was for condemning him first, and then leave him to the King's Mercy. Sir *Harry North* said, It was true he had been loyal, but did not know whether he was so then ; and was for agreeing with the Committee. Mr. *Hyde* moved to examine him again, Whether any one saw this Book and approved it before it was published ; and was for agreeing with the Committee. Mr. *Palmer* was for making him an Example. Sir *Heneage Finch* said, The Price of the Book was raised, and that every one hoped all would be turned up-side down again ; that the burning the Book was too tame a Punishment ; that no Man had Merit enough to expiate the setting the Kingdom in a Flame again ; and moved to agree in all with the Committee. Mr. *Annesley* said, He did agree that the Book was seditious, but the Man repented of it, and had formerly merited ; that it was hard to ruin a Man for the first Fault, and moved to forbear a while the Severity of his Punishment, but to burn the Book. Sir *John Northcot* said, It was not safe nor honourable for them to spare him ; and moved to agree in all with the Committee but the Imprisonment. Mr. *Howard*, That he was a Person who was writing a *Mene Tekel* upon the Wall against them, and that they would not so much as rap him upon the Fingers ; that he ought to be severely punished, by being tied up to the Gallows, whilst his Book was burning below it ; for if he, being a Friend, wrote in that Manner, what would their Enemies do ? Sir *John Potts* moved to have him make a public Recantation whilst his Book was burning. Mr. *Knight*, to make an Example of him, notwithstanding his former Merits.

At last Mr. *Harris*, moving to put the Resolves of the Committee, singly, to the Question, it was
voted,

voted, *nem. con.* That the Book was seditious; that an Impeachment be drawn against Mr. *Drake*; and that Sir *Heneage Finch* go up to the Lords with it, the next Morning, and carry the Book along with him.

An. 12. Car. II.
1660.
November.

But tho' this Prosecution against Mr. *Drake* was ordered in so warm and peremptory a Manner, and that he should remain in Custody of their Serjeant at Arms, we do not find that the Commons made any great Haste in it. Whether it was to punish the poor Man the more, by making him lye the longer in Custody, at a great Expence, or the Interposition of other Business prevented it; yet, though the Impeachment was brought in, read, and ordered to be ingrossed, on the 26th Instant, and the Manner of presenting it to the Lords ordered to be considered of on the 29th, we hear no more of the Matter till the 4th of the next Month, when the Impeachment was actually sent up to the Lords by the Lord *Falkland*. To which Time we refer any farther Disquisition of this Business.

November 21. The Commons went this Day again on the Business of the Court of Wards, when Sir *Heneage Finch* opened the Debate, by moving, That the annual Income to be settled on the King, in lieu thereof, might be raised by an Excise on Beer and Ale, and to take away Purveyance also. And that half of this Excise might be settled for the King's Life, and the other half for ever on the Crown. This Motion was seconded by Mr. *Bunckley* and Mr. *Pierpoint*; but Sir *John Frederick*, Mr. *Jolliffe*, Sir *William Vincent*, Mr. *Annesley*, and some others, spoke against it. The last-named Gentleman saying, That if this Bill was carried, every Man who earns his Bread by the Sweat of his Brow must pay Excise, to excuse the Court of Wards, which would be a greater Grievance upon all, than the Court of Wards was to a few. Sir *Anthony Ashley Cooper* spoke against the Court of Wards, and for the Excise. Mr. *Prynne*, against the Excise, saying, It was not fit to make all House-keepers hold in *Capite*, and

Another Debate
on the Court of
Wards.

AN. 12. CAR. II.

1660.

November.

to free the Nobility: And inveighed, passionately, says the Diary, against the Excise; adding, That those Lands which ought to pay, being held *in Capite*, should pay still. Mr. *Bamfield* spoke on the same Side, and said, He was against an everlasting Excise, and for laying the Tax on Lands *in Capite*. Mr. *Bainton* also was against an Excise, saying, If it was carried so, they might expect that, one Time or other, there would be some strange Commotions by the common People about it; that he was rather for keeping the Court of Wards, regulated in its Proceedings, than submit to an Excise, which, if it was kept up, an Army must be so too to sustain it. Sir *Thomas Clarges* was against the Excise, saying, That the Rebellion in *Naples* came from Impositions and Excises. This Debate was ended by Serjeant *Maynard* and Mr. *Trevor*, who both spoke for an Excise, tho' the last said, That nothing but the Court of Wards taking away should have moved him to it. At last, the Question being called for, the House divided, the Numbers 151 against 149, when it was resolved, That the Moiety of the Excise of Beer, Ale, Cyder, Perry, and Strong Waters, at the Rate it was now levied, shall be settled on the King's Majesty, his Heirs and Successors, in full Recompence and Satisfaction for all Tenures *in Capite*, and by Knights Service; and of the Court of Wards and Liveries; and all Emoluments thereby accruing, and in full Satisfaction of all Purveyance. Resolved also, That the further Consideration of settling a Revenue of twelve hundred thousand Pounds a Year, on the King's Majesty, be adjourned to *Friday* the 23d Instant.

The Militia Bill
again debated.

November 22. On this Day the Bill for the Militia was again debated; when Mr. *Chafe* moved, That the Time of Imprisonment, omitted in the Bill, should be limited; and therefore was for recommitting it. Sir *Anthony Irby*, for committing it to the whole House. Mr. *Goodrick*, to restrain the Power of the Commissioners, which was unlimited in the Bill; and moved for the Speaker to leave the Chair. Mr. *Stevens* said they ought to take Heed
of

of putting an Iron Yoke about their own Necks, and debate the Matter very seriously first: He added, That the *Posse Comitatus* was formerly sufficient to keep us in Peace, and why it should not do so then, he professed he was ignorant; however, he was for committing it to the whole House.

An. 12. Car. II.
1660.
November.

This Debate was interrupted by a Message from the Lords, by two Masters in Chancery, desiring a present Conference in the *Painted-Chamber*, about a Message they received Yesterday from his Majesty; which being agreed to, Mr. *Holles* reported the Substance of the Conference as follows, viz.

‘ That the Lord-Chancellor was pleased to acquaint them, That, in order to that good Correspondence which hath been continued, and which he desires may ever be held, between the two Houses, That House had been careful to acquaint the House of Commons with all Matters of Consequence which did occur: And that the Lords having received a Message from the King’s Majesty Yesterday, which they desired then to have presently communicated to you, and sent their Messengers to that Purpose; but the important Business of the House not then permitting, the Lords had therefore desired this Conference with them, to communicate his Majesty’s Message to them; which Message his Lordship read.’

The said Message was read by the Reporter, standing in his Place, and after read by the Clerk, and was as followeth, viz.

CHARLES R.

IN Consideration of the Season of the Year, and the Approach of Christmas, when Members of Parliament will desire to be at their Houses in the Country; and, in regard of his Majesty’s Coronation within a Month after Christmas, the Preparation for which will take up much of his Majesty’s Thoughts and Time, and the Time of his Servants, which therefore should be vacant from other Business, his Majesty hath thought fit to declare, That he resolves to dissolve this Parliament on the 20th Day of the next Month, and

A Message from the King to the House of Lords.

to

24 *The Parliamentary History*

AN. 12. CAR. II. *to call another with convenient Speed; and that this*
 1660. *his Purpose may be forthwith communicated to his*
 November. *Houses of Parliament, that they may the more vigo-*
rously apply themselves to the Dispatch of the most im-
portant Business that depends before them.

Given at our Court at *Whitehall*, the 20th Day
 of *November*, 1660.

Resumed.

This Message being read, Mr. *Bunckley* said it was a very gracious one; and moved to set all private Business aside, that the public might be first dispatched. The House then resumed the Debate on the Militia Bill; and our Diary tells us, That Mr. *Giles Eyre* made a set Speech against giving too great a Liberty in that Bill, and was for having it committed to the whole House. Mr. *Stevens* moved for leaving out the Clause which was for Martial Law. Mr. *Bamfield*, That he never saw such a Bill; saying, There was a strange arbitrary Strain through the whole of it; He repeated several Paragraphs in it, to which he took Exceptions, and moved for having it laid aside: Adding, That this was directly taken out of the Bill intended in 56, in *Oliver's* Parliament, for settling Major-Generals throughout the Kingdom. Sir *Heneage Finch* replied to this smart Speech of Mr. *Bamfield's*; and, as our Diary says, answered all his Exceptions against the Bill very excellently, and with some Sharpness; and moved to commit the Bill; which the House agreed to, and ordered it should be committed to the whole House to go upon the 24th Instant.

The Court of
 Wards resumed.

November 27. No Debates happened in the House, worth Notice, till this Day; when the State of the King's Revenue, and the Settlement for the Court of Wards, was again taken up. Mr. *Prynne* began the Debate, by moving the House to consider, first, what legal Things might be offered to make up the King's Revenue, before they fell upon the Excise; and named the Customs of *Ireland* and *Scotland*, the Post-Office, and several others. Sir *Samuel Jones* spoke for the Excise. Sir *George Downing* said, The Customs did not amount to

400,000 l.

400,000 *l.* a-year; and, for the Improvement of the King's Parks, there were divers Grants made by the late King to his Servants, which were then claim'd; so that those could not be valued till they were surveyed and settled; and therefore moved to settle the other Moiety of the Excise upon the King. Col. *King* and Mr. *Boscawen* moved for inquiring into the State of the King's present Revenue first, and what was wanting there, before they voted an Addition. Serjeant *Charlton* said, It was scarce possible to know exactly the Value of the King's Revenue, and therefore moved for putting the Question for the Excise. Hereupon an Estimate was read of the Value of the King's Revenue; which, by Computation, came to 819,000 *l.* odd Money. To this Col. *Birch* said, That, by his Computation, he could not make it amount to more than 110,000 *l.* and therefore moved to refer it to a Committee to examine. Sir *John Northcot* said, The King's Revenue was under-rated; and moved that the Excise might be settled in full for the Revenue. Sir *Heneage Finch* said, It was not material whether the Words *in full*, or *in part*, were inserted, and moved for the Question; which being called for, the House, without dividing, voted, That the other Moiety of the Excise on Beer, Ale, Cyder, Perry, Strong Waters, Chocolet^a, Coffee, Sherbet, and Metheglin, be settled upon the King during his Life, in full of the 1,200,000 *l.* *per Annum* Revenue resolved to be settled on his Majesty.

An. 12. Car. II.
1660.
November,

‘ Resolved, That the several Particulars of Cho-
colet, Coffee, Sherbet, and Metheglin, be added
to the former Vote for settling a Moiety of the Ex-
cise of Beer and Ale on his Majesty, in Compensa-
tion for the Court of Wards and Purveyances.

‘ Resolved, That the Time for Commencement
of that Part of his Majesty's Revenue, which is to
arise from the Excise of Beer, Ale, &c. be the 25th
of *December*, 1660.

‘ Resolved, That the Committee for his Majesty's
Revenue be revived; and that they do meet, *de Die*
in

^a In the Original, *Chocoletta*.

An. 12. Car. II.

1660.

November.

in Diem, and sit at Three o'Clock this Afternoon, in the Queen's Court; and Mr. *Lowther*, Sir *John Talbot*, Mr. *Boscawen*, and Mr. *Reames*, are added to the Committee.

On a Motion of the Lord *Valentia*^a, it was resolved, 'That it be referred to the Committee for his Majesty's Revenue to state the several particular Heads from which the yearly Revenue of 1,200,000*l.* for his Majesty is to arise; and to prepare Bills, as they shall find necessary, for the settling and making the same effectual, and to report the whole to the House: And Col. *King*, Mr. *Elliot*, and Mr. *Young*, are added to that Committee.

'Resolved, That the Committee that brought in the Excise Bill be revived; and that they sit this Afternoon, and speedily consider of forming the said Bill, as to foreign and inland Commodities, in such Sort as may be consistent with the Votes of this House, for settling the Excise of Beer and Ale on his Majesty, and to strike out of the Bill those Clauses which concern Ale and Beer: And they are to inform themselves what Debts have been charged by this Parliament on the Receipt of Excise, and what other public Debts are charged thereon, and to report a List of them to the House: And the said Committee are to meet, *de Die in Diem*, till the same be perfected, and report the whole to the House.

'Resolved, That the Members of this House, who are of his Majesty's Privy Council, be desired to attend the King's Majesty, and humbly represent to him, in the Name of this House, the great Sense this House hath of the many Expressions of Grace which they have received from his Majesty in his several Declarations; and also to acquaint his Majesty with the great Unanimity of this House, in settling a Revenue of 1,200,000*l. per Annum* on his Majesty, according to their former Vote.'

November 28. Two religious Bills, engrossed, were read a second Time, one against the Profana-
tion

^a *Arthur Annesley*, Esq; who, by the Death of his Father, was then Viscount *Valentia*, afterwards Earl of *Anglesey*.

tion of the *Lord's Day*, the other against profane Curſing and Swearing, &c. Sir *John Maſham* ſpoke againſt the former, and was for throwing it out, not being ſatisfied which Day in the Week was the *Lord's Day*, that ought to be kept holier than the reſt, but ſaid, It was Novelty. On which Mr. *Prynne* got up and ſpoke for the Bill, alledging ſeveral Reaſons, and vouching divers Authorities for the Antiquity of the Cuſtom. Sir *Ralph Aſhton* moved, That the Speaker ſhould reprove Sir *John Maſham*, for what he ſaid relating to the Sabbath. Sir *John* ſaid, He ſpoke againſt the Bill only becauſe it was a Tranſcript of one in *Oliver's* Time, and therefore he could not conſent to any Thing that was done by him. To which Sir *George Booth* answered, That the Devil ſpoke Scripture ſometimes; and moved for both the Bills to paſs; which was ordered accordingly.

An. 12. Car. II.
1660.
November.

The ſame Day a Bill for making the King's Declaration, touching Eccleſiaſtical Affairs, effectual, was read a firſt Time; on which a long and notable Debate enſued, which we give alſo from our Manuſcript Diary.

Sir *Allen Broderick* moved to lay the Bill aſide, ſaying, The King would ſuddenly call a new Parliament, and with them a Synod; and moved to let this alone till then. This Motion was ſeconded by Lord *Richardſon*^b; but Mr. *Stevens* was for having the Bill read again, as it would not ſtand with the Honour of the Parliament to lay it aſide. Sir *George Reeves*, on the contrary, was againſt the Bill, and to be ſatisfied with the King's Declaration. Mr. *Knightley*, for reading of it again; as was alſo Sir *John Northcot*. Sir *Clement Throckmorton* ſpoke againſt the Bill, but very highly for the Declaration; and ſaid, That the Bill gave too great a Toleration, and made the Biſhops no more than *Vox et præterea nihil*. Mr. *Bunckley* ſaid, That without a Bill the Declaration would be insignificant; that it was very fitting that many Things in the Liturgy ſhould be altered. He produced a Book, printed in 1641, which

A long Debate
on the King's
Declaration on
religious Affairs.

^b Baron of Cramond, in Scotland, and Member for Norfolk.

An. 12. Car. II.
1660.

November,

which was the Opinions of the Bishops of *Armagh* and *Lincoln*, Dr. *Prideaux*, Dr. *Ward*, Dr. *Featly*, and Dr. *Hacket*, that several Things in the Liturgy should be rectified ; and moved for another Reading of the Bill. Lord *Falkland* spoke for the Declaration, but against the Bill. Mr. *Henry Hungerford* moved, That all those, who pretended to so much Loyalty, should agree with the King's Desire, that they might all go down into the Country, and be well accepted there ; which, he said, they could not better deserve, than by setting this great Affair in Order before their Dissolution. And, after a very long Speech, he concluded for reading the Bill again. Mr. *Palmer* and Mr. *Monson* both spoke in Favour of the Declaration, but against the Bill. Sir *Robert Paston*, for the same ; but none of their Arguments are noted in the Diary. On the other Side, Mr. *Howard* said, That the present Business was of the highest Concernment that ever yet was brought before them, wherein the Honour of God was so much concerned, as well as the Peace of the Nation. He moved, therefore, That the Bill should be read again in three Days. Sir *Richard Temple* said, That there was no Repugnancy between the Declaration and the Bill ; and moved for having it read again at the same Time.

The Debate still continuing, our Diary goes on with it and tells us, That Sir *Thomas Meeres* spoke against the Bill and said, That to make this Bill a Law, was the Way to make all Papists, and other Heretics, rejoice, since it would wholly remove all Conformity in the Church ; and therefore moved to lay the Bill then aside, and leave it to another Parliament and a Synod. Mr. *John Stevens* said, The King had taken much Time and Deliberation to consider it well, before he published his Declaration. To this Mr. Secretary *Morrice* added, That the same Man who was sick might be cured with a Medicine at one Time, which would not help at another ; and that some Things are seasonable now, which were not so at another. That Matters were not only to be done, but well done. Sometimes a Wound
would

would heal of itself, if you applied nothing to it; and added, that Time would rather do that Good which they desired, than to have it enforced by a Bill; and therefore he was for laying it aside.

An. 12. Car. II.
1660.
November.

On the other Side again Mr. *Young* said, He had rather the Bill had never been brought in, than that it should now be laid aside; that the Ceremonies of the Church were not of that great Weight, as to embroil us again in a new War: But that some Indulgence ought to be given to such as had ventured their Lives for the Good of all. He said, He could not hope for any Benefit to be had by a Synod, because the Spirits of the Clergy, for their late Sufferings, would be much higher in Resentment than the Minds of the House were there; and moved for a second Reading. Sir *Solomon Swale* spoke against the Bill, but for the Declaration, saying, That since the Government of the Church was despised, how were they fallen into Confusion? And moved, That the Laws established might suffice, and not frame this into a new one. Mr. *Bodurda* said, The King, by his Declaration, having desired an Indulgence, he hoped they would not resist it; and therefore he moved the Bill might pass, till the first Session of the next Parliament; and was for having it read again in three Days. Sir *John Mafham* said, They had before them an excellent Declaration, metamorphosed into a very ugly Bill; that the King's Intention was for a Settlement of Religion amongst us, which surely this Bill did thwart; and moved to throw it out. Mr. *Prynne* answered the last Speaker, and said, The Declaration was to settle Peace in the Kingdom only, which the Bill did not confirm; and what a Wonder would it be, after they had given the King Thanks, to throw out the Bill. Mr. *Thurland* said, It was very disputable, whether such an excellent Declaration would make an excellent Law: He thought not, giving so great a Tolerati^{on}, and endeavouring to lessen the Liturgy. He added, That he never knew a Declaration, by Wholesale, voted into an Act; and moved to lay this aside for the present. Col. *Shapcot* said, That the

An. 12. Car. II.
1660.

November.

the King's Honour and the Honour of the House, were both concerned in this Bill. That *Ireland* was highly pleased with the Declaration, and begged for Bowels of Mercy one towards another; and was for the Bill. Sir *Heneage Finch* was as much for Indulgence to tender Consciences as any; but said, It must be then used and allowed to such as could not consent to such a Liberty as the Bill offered: Neither did he think it was the King's Desire to have it put into a Bill; that the Catholics would upbraid them with doing Injury to them, for so many Years, for not going to Church, when we were going, says he, by an Act, to tolerate it in others. He was not for taking away the Rule of Conformity, nor yet for throwing out the Bill; but he wished it had never been brought in, and moved for a second Reading some other Time, rather on that Day Se'nnight.

Mr. *Swinfen* was for having the Bill read again in three Days, saying, Nothing was more hoped by the People, than the passing this Bill; and therefore they ought not to deceive them: That he thought it would not grate the Bishops at all, because they were with the King at the framing the Declaration. Lord *Bruce* said, They might as well make every Act of Grace from the King into a Law as this, which he was utterly against; and moved to adjourn the Debate. This last Motion for adjourning the Debate, or throw out the Bill, was followed by Mr. *Montagu*, Mr. *Allen*, Sir *Jonathan Cope*, Mr. *Palmer*, and Mr. *Barton*; which last said, He was against making the Declaration into a Law, neither ought it to be so, till the King had consulted with the Synod. Serjeant *Maynard* concluded this long Debate, in saying, He was against passing the Bill, because it gave too great a Liberty, yet would not seem to reject it by a Vote, because the King's Declaration, on which the Bill was built, was so pleasing to every one. He moved rather to put the Question, (which was done immediately) Whether the Bill should be read a second Time? The House divided upon it, when the Numbers were 157 for, and 183 against, a second Reading. Sir *Anthony Irby*

Irby and *Sir George Booth*, Tellers for the Yeas, *Sir An. 22. Car. II.*
Solomon Swale and *Mr. Palmer*, for the Noes. 1660.

All this while, and some Time after, whilst this and other great Debates were carrying on in the House of Commons, the *Journals* of the Lords furnish little or nothing to our Purpose; that House being employed wholly in trying Causes, or in reading such Bills as the other House had sent up, in the former of which they had full Business, from the Multiplicity of Affairs which had gone wrong in Families during the late Troubles. The *Commons Journals* therefore, and our explanatory Diary, must be our chiefest Guides to carry us on to the End of this Session and Parliament.

November.

November 29. The Lord *Howard*, who was sent to the King with a Message from this House, relating to the late Settlement on his Majesty, in lieu of the Court of Wards, reported, That he had attended his Majesty, and represented to him the Sense of the House on that Occasion; and that his Majesty was pleased to return for Answer, ‘ That he gave the House Thanks for their Care of him, and assured them he would employ that Revenue for the Good of them and the Kingdom.

A Bill had been brought into the House of Lords, and passed, *For the Restitution of Thomas Earl of Arundel, Surry, and Norfolk, to the Dignity and Title of Duke of Norfolk.* But how this Bill came to pass there, we know not; for their *Journals* inform us, That, when the Committee made their Report in this Case, they said, They had examined several Witnesses concerning the present Condition of the said Earl, and their Lordships were informed, That he was a perfect Lunatic, and had a constant Physician with him: That he lived in the best House in *Padua*, and had twelve Servants to attend him, and all Things fitting to his Quality. Yet, upon sending to the King, to know his Pleasure therein, and receiving an Answer that he had consented, the Bill was passed, and sent down to the Commons; where,
on

An. 12. Car. II. on the second Reading of it this Day, greater Debates ensued than was common for a private Bill.

1660.

November.

Our Diary tells us, That Serjeant *Maynard* and Mr. *Harris* both opposed this Bill, the latter saying, That it was promoted by his Lordship's Brother, who was a known Papist, and sought it for himself; that Mr. *Bodurda*, Sir *John Northcot*, Sir *George Reeves*, Mr. *Knightley*, Mr. *Knight*, and Lord *Falkland*, spoke for reading the Bill then again, or committing it; which occasioned, says our Authority, a great Debate, Whether the Question should be to read the Bill a third Time, or to commit it? It was agreed that the most regular Way was to commit it. A Committee hereupon being named, several Members were put down for it, who were not then in the House; on which Mr. *Holles* observed, That it was against an Order of the House to name such, unless any Gentleman did move particularly for it.

An ingross'd Bill, intituled, *An Act for prohibiting the Exportation of Wooll, Wooll-Fels, Fullers Earth, or any Kind of scouring Earth*, was read a third Time and passed, with the Addition to make it Felony. Mr. *Prynne* moved to have the Time limited. Sir *George Downing* against it, and said, There were at least 80,000 People in *France* employed in working up *English* and *Irish* Wooll, and therefore moved, That the Punishment might not be limited. Sir *Anthony Ashley Cooper* moved to insert Tobacco-Pipe Clay into the Bill likewise, it being such as the *French* make use of instead of Fullers Earth. Ordered, That Sir *George Downing* do carry this Bill to the Lords.

A Bill against planting Tobacco in *England* was read a first Time. Mr. *Prynne* spoke against it, because it forbad the planting any Tobacco, though for Physic or Surgery. But Mr. *Knight*, Mr. *Harris*, and Sir *George Downing*, speaking for the Bill, it was read a second Time, and committed to the Committee for Trade.

November

November 30. This Day, after a long Debate An. 12. Car. II.
1660.
what Business should be first done, the Question was put, Whether Mr. *Ferrers* should make his Report concerning the Bill, For Allowance of Maintenance to Wives separated from their Husbands on slight Occasions. On which the House divided into Yeas 50, Noes 56; and the Report was made of some Amendments to the Bill, which he read in his Place, and afterwards delivered them in at the Table.

November.

Sir *Ralph Ashton* opened the Debate on this Bill, Another Debate
on the Bill for
separate Maintenance.
and moved, in Behalf of it, That no Allowance should be made to Wives on that Occasion. He said, It was against the Law of God and the Realm; that he did not make this Motion for his own private Concernment, but for the future public Good, tho' he had been a Stranger to his Wife and Children now near twelve Years, and never had any Comfort from them in all that Time. He therefore earnestly desired the House to consider of it, and not to allow his Wife all her Alimony since June 22, 1649. Sir *John Northcot* moved, That in case a Man had contracted any Disease, which was dangerous to his Wife, there the Wife to have an Allowance, as being a lawful Cause in living from him. Sir *Heneage Finch* said, That the House was most of them Fathers as well as Husbands, and that therefore Regard was to be had to Daughters for the future, as well as to Wives at present: He therefore moved that the Clause might stand, and that the Ecclesiastical Jurisdiction might, for the future, regulate such Enormities. Col. *Shapcot* moved against all Ecclesiastical Jurisdiction, saying, That for a Hen flying into a Church-yard, or some such Trifle, they would have excommunicated a Man formerly. Mr. *Stroud*, Mr. *Rich*, and Mr. *Knight*, were for re-committing the Bill, that there might be Care taken for Women that cannot live with froward Husbands. Mr. *Prynne*, on the contrary, was for no Act at all, saying, There was Provision enough taken by the Law already; that this was the Way to make good Wives bad, and bad Wives worse; that, for Necessaries, every Man ought to allow; but, for Disorders, a Man

An. 12. Car. II. might give his Wife due Correction: And as for
1660.

December.

Alimony, he said, It was a new Thing; and moved to throw both the Clause and the Bill out together. Mr. *Hildyard* moved in Behalf of a Woman that never gave her Husband any just Occasion to quarrel with her, that Care should be taken for such. Mr. *Holles* concluded this Debate, by moving to re-commit the Bill, because there ought to be a Provision made for such Women as had very bad Husbands; and That he understood belonged not to a moderate Correction, before spoken of. Ordered to re-commit the Bill.

The Bill for erecting and endowing of Vicarages out of appropriate Rectories, was read a third Time and passed.

December 1. The Bill for Continuance of the Excise, in Recompence of the Court of Wards and Purveyances, was read a second Time.

Mr. *Montagu*, Mr. *Pierpoint*, and Mr. *Prynne*, were for having the Bill re-committed, urging, That the Penalties were too severe, as for a Man to go ten Miles to enter what he brews, or forfeit twenty Pounds. And Mr. *Prynne* added, That they could not take away the Court of Wards, which was an antient Prerogative of the Crown, without Breach of their Oaths. Lord *Valentia*, to re-commit the Bill to the whole House. Mr. *Knight* moved against the Unreasonableness of the Bill, in searching Houses by Day and Night, and was for re-committing it. It was ordered accordingly to a Grand Committee of the whole House, who were to sit, *de Die in Diem*, every Afternoon, till that Business was dispatched.

Lord *Valentia* moved the House in Behalf of Alderman *Backwell*, to be satisfied in the Sum of 20,000 *l.* which he procured and advanced for the Queen of *Bohemia* and the Princess Royal; likewise 8000 *l.* for *Dunkirk*, for which, by a Vote of the House, he was to be satisfied out of the Excise. His Lordship therefore moved for a Proviso in the Act, for his Satisfaction; which, he thought, the House was bound to in Honour and Justice. This Motion

was

was seconded by Mr. *Bodurda*; and upon it the House declared, That the Service Alderman *Backwell* did was a good Service, and very acceptable to the House; and that he should not suffer thereby, either in Reputation or Estate. It was therefore ordered, That the Security on Excise given to Alderman *Backwell*, should not be altered without his Consent.

An. 12. Car. II.
1660.
December.

December 3. The Bill for the Restitution of the Earl of *Arundel*, &c. to the Title of Duke of *Norfolk*, was brought from the Committee to whom it was referred, unaltered, and was read a third Time.

The Manuscript Diary informs us, that Mr. *Stevens* spoke very earnestly against passing the Bill, saying, That the Earl of *Arundel* was always bred amongst those who were Enemies to the Protestants; that the Earl was distracted; and that if he was here, it was a Question whether they would confirm the Title; for, in his Opinion, it was giving Honour to the Man in the Moon. On the other Side Sir *Robert Paston* said, That the Earl's Want of Senses should rather gain him more Advocates than Enemies; that the Lords had already examined Witnesses concerning his present Condition of Mind, and were satisfied with it; that he himself was not satisfied fully concerning the Death of the late Duke of *Norfolk*, but thought the Restoration of the Honour could be no Prejudice to any one; and therefore moved to have the Bill pass. Mr. *Prynne* spoke against the Bill, saying, It was Nonsense, because it did not express from whence the first Honour came, nor to whom given; that here was no Patent produced, nor any Form how the late Duke was attainted; and said, the Earl ought to have petitioned for his Honour; but that here was no such Thing. Sir *Richard Onslow* moved for the Bill, saying, That he was one of the Guardians, and thought it very fit it should pass. Sir *John Holland* was for passing the Bill. Mr. *Thomas* moved to have that Part of the Bill, which reflected upon Queen *Elizabeth*, amended at the Table, and then to pass it. Mr.

An. 12. Car. II.

1660.

December,

Howard and Lord *Bruce*, for the Bill. Col. *King*, against it, saying, It was fit to have the Earl here, that the Oaths of Allegiance and Supremacy might be tendered to him. Lord *Falkland* said, He thought him as powerful to do Mischief as an Earl as a Duke, and was for the Bill. Sir *John Masbam*, for it. Serjeant *Charlton* said, The House was not ready yet for passing the Bill, without examining the Record and the Indictment of the late Duke; that it was fitting the Earl himself should be here, but if he was so far distracted, it was better to take his Honour from him, and bestow it upon the next worthy Person in the Family; adding, That it was fitter to use the Earl as *Nebushadnezzar* was, to send him amongst Beasts, for he had not the ordinary Cleanliness of one; and moved to re-commit the Bill. Another Mr. *Howard* and Sir *Richard Temple* spoke for the Bill; Sir *Richard Hopkins* against it, as it now was, because it reflected upon Queen *Elizabeth's* Government, and moved to amend it. Col. *Shapcot*, to have the Bill amended; else, he said, he could not vote for it. The Lord *Howard* and Sir *Harry North*, for the Bill. Mr. *Bamfield* was against the Preamble of it, because it said that the Duke of *Norfolk* suffered principally for endeavouring to marry the Queen of *Scots*; neither did the Bill shew whether the Honour was entailed or no, which ought to have been done. - He said he did not understand why they should confer Honour upon a mad Man; neither was it fit to give an Act of Grace to those of the Popish Religion. He also moved to send for the Earl over, but was against the Bill. Mr. *Pleydale* said, It was unreasonable to urge the Bill then, because of the Earl's Distemper; but when the Successor came it would be then proper to do it. Sir *Thomas Meeres* said, That, when the Duke of *Somerset's* Bill passed, the King said it was for an extraordinary Person; and if this Person could be justified to be as deserving, he would give him his Vote; else he desired the Bill might be thrown out. Sir *George Downing* for the Bill; saying, The late Duke was not a Papist, as was objected to him, because he denied

nied it at his Trial. Serjeant *Raynesford* against bestowing Honours upon any of the Popish Religion, which he understood this Family was of; and unless they took the Oaths he was against the Bill. But, lastly, Mr. *Trevor* and Sir *George Reeves*, speaking for the Bill, the Question was called for, and, being put, the House divided upon it into Yeas 187, Noes 116: A large Majority after all this Debate about it. The Bill was ordered to be return'd to the Lords by Mr. *Howard*.

An. 12. Car. II.
1660.
December.

December 4. This Day Mr. *Thomas* reported to the House, from the Committee, some Amendments and three Provisoes to the Bill of Attainder, which were read.

Mr. *Goodrick* offered a Petition from *Edmund* *Challoner*, Nephew of *Thomas* *Challoner*, one of the King's Judges; wherein he shewed, That his Uncle died before the Act came out, and was not named in the Proclamation; therefore he begg'd he might not be included in the Bill of Attainder. Mr. *Prynne* spoke against the Petition; Sir *Thomas Widdrington* for it. Capt. *Titus* said, That he should willingly consent to it, but not unless he could be satisfied whether those Men, who sat as Judges, had made any Provision for the King's Children after his Death. Mr. *Ratcliffe* moved for an Allowance to be made of just Debts, Legacies, and Funeral Expences, out of this Forfeiture of those four Persons Estates who have been attainted after their Deaths, viz. *Cromwell*, *Pryde*, *Bradshawe*, and *Ireton*. Sir *John Northcot* was against paying the Funeral Expences of *Cromwell* and *Bradshawe*. Mr. *Allen* and Lord *Valentia* moved in Favour of the Executors, That they might not be ruined for what they had paid, because they were compelled to pay the Legacies by Law; but that a Proviso might be added to the Bill concerning it. Sir *Heneage Finch* said, That this Bill was the prime Sacrifice to Justice that the Parliament had made; that neither the Queen, nor any of the Royal Family, had the least Relief from those People, but were left to starve in Exile;

On the Bill of
Attainder.

An. 12. Car. II.

1660.

December,

Exile; and moved that, if the Debts on Bond be allowed them, the Book-Debts should be so too; that the Bill should be engrossed, and such Provisoës taken Care for as were proper to be received. Mr. *Holles* said, He had as great an Abhorrence of that black Crew as any one; and therefore moved rather to consider the poor Creditors, their Wives and Children, and the Executors, by a Proviso. Serjeant *Charlton* said, That, in Scripture, we are told that the whole Families of Traitors were destroyed: That the Case was not alike in private Bonds, as it was in this, where the Persons were attainted. He moved to leave it to the Law, whether to allow any Legacies or not; but added, It was reasonable the Legatee should refund, and was for putting the Bill to the Question immediately. Sir *Anthony Ashley Cooper* said, There was Reason to allow Settlements before Marriage, or as far retrospect as the Year 1647. Sir *Edward Turner* was against paying their Debts at all, and was for the Question. Col. *Shapcot* said, That to deny the Payment of their Debts, was to punish the honest Creditors, not the Offenders; and therefore moved to consider those poor People, by a Proviso large enough for the Purpose. On the contrary Mr. *Prynne* spoke against any Proviso, saying, There were none for the Gunpowder Traitors, nor any else that ever were Traitors before. Capt. *Titus* ended this Debate, by observing, That Execution did not leave Traitors at their Graves, but followed them beyond it: And that, since the Heads and Limbs of some were already put upon the Gates, he hoped the House would order that the Carcasses of those Devils, who were buried at *Westminster*, *Cromwell*, *Bradshawe*, *Ireton*, and *Pryde*, might be torn out of their Graves, dragged to Tyburn, there to hang for some Time, and afterwards be buried under the Gallows. This Motion was agreed to, says the Diary, *nem. con.* and is confirmed by the *Journals*, where the Order is entered at large. Ordered also, That *James Norfolk*, Esq; Serjeant at Arms, should

see

See^d Execution done upon the Bodies; and that Capt. *Titus* do carry up the Order to the Lords for their Concurrence; which was agreed to the same Day. The Bill to be engrossed.

An. 12. Car. II.
1660.
December.

This Day also the long-designed Impeachment against Mr. *William Drake* was ordered to be carried up to the House of Lords, by the Lord *Falkland*, and delivered at the Bar of that House, in the Name of the House of Commons, and of all the Commons in *England*. This Impeachment is entered in both the *Journals*; but we give it from those of the Commons as follows:

‘THE Knights, Citizens, and Burgesses of the House of Commons, in the Name of themselves and all the Commons of *England*, do hereby declare, complain, and shew, against *William Drake*, Citizen and Merchant of *London*,

The Impeachment against Mr. *Drake*.

‘That whereas this present Parliament, through the Blessing of God upon their Endeavours, and the incomparable Grace and Goodness of his Majesty’s Royal Condescensions, have proved the happy Instruments of repairing the Breaches of this Kingdom, restoring the antient Foundations, and passing many good and wholesome Laws for the Safety and Quiet of the People, and are daily preparing such others as may yet seem to be wanting.

‘Nevertheless the said *William Drake*, in Contempt of his Majesty’s Crown and Dignity, and of the Laws and Government of this Kingdom, and out of a wicked and malicious Intention to scandalize and subvert the Authority and Being of this present Parliament, and to raise and stir up Sedition and Division in this Kingdom, and against the

Peace

‘This Order was not executed till *January 30*, after the Dissolution of this Parliament, when a chronological Historian of these Times gives us this Account of it: “This Day, *January 30*, 1660-1, the odious Carcasses of *Oliver Cromwell*, *Henry Ireton*, and *John Bradshawe*, were taken out of their Graves, drawn upon Sledges to Tyburn, and being pulled out of their Coffins, there hanged at the several Angles of the triple Tree, till Sun-set; then taken down, beheaded, and their loathsome Trunks thrown into a deep Hole under the Gallows. Their Heads were afterwards set upon Poles on the Top of *Westminster-Hall*.—*Gesta Britannorum: Or a succinct Chronology*, &c. By Sir George Wharton. London, 1667.

An. 14. Car. II.

1660.

December.

Peace of our Sovereign Lord the King, hath lately;
 that is to say, upon or before the 18th Day of No-
 vember last, at *Westminster*, in the County of *Mid-*
dlesex, written, printed, and published, in the
 Name of one *Thomas Phillips*, Gentleman, a cer-
 tain false, wicked, malicious, and seditious Pam-
 phlet, intituled, *The Long Parliament revived;*
 or, *An Act for Continuation, and the not dissolving*
the Long Parliament, called by King Charles the
First, in the Year 1640, but by an Act of Parlia-
ment, with undeniable Reasons, deduced from the
said Act, to prove, that That Parliament is not yet
dissolved. Also Mr. William Prynne's five Ar-
guments fully answered, whereby he endeavours to
prove it to be dissolved by the King's Death, &c. By
Thomas Phillips, Gentleman, a sincere Lover of the
King and Country. In which said scandalous and
 seditious Pamphlet the said *William Drake*, amongst
 many other wicked Expressions, Clauses, and As-
 sertions therein contained, doth falsely, maliciously,
 and seditiously affirm and declare,

Page 6. *First*, That all other Parliaments have
 no legal Capacity, till this (meaning the Long
 Parliament, called in the Year 1640) be legally
 dissolved.

Page 14. *Secondly*, The Act (meaning the Act
 of Parliament to which the Title of the Pamphlet
 refers) is herein express, That by no other Way
 or Means, but by an Act of Parliament, it shall
 be dissolved; which, as it cannot be done by the
 dead King, but may be done by the Successor, it
 ought to be so dissolved; or else it must, and doth,
 by Virtue of this Act, still remain legally in full
 Being and Authority.

Page 17. *Thirdly*, How much it were to be
 wished, that the Legislative Authority might revert
 into that Channel (meaning the Long Parliament
 aforesaid) by which the Peace and Settlement of
 the Nation, thro' his Majesty's most gracious In-
 fluence, might durably, and without Question, be
 provided for and preserved.

* Page 21. *Fourthly*, If that be a lawful Parlia-
ment, (speaking of the Long Parliament aforesaid,
* which he elsewhere affirmed to be in Being) then
* this can be none, nor no other, till this be legally
* dissolved.

An. 13. Car. II.

1660.

December.

* All which Practices for stirring up of Sedition,
* the Commons are ready to prove, not only by the
* general Scope of the said Book, but likewise by se-
* veral Clauses therein contained, besides these be-
* fore-mentioned, and such other Proofs as the
* Cause, according to the Course of Parliament,
* shall require.

* And do pray, that the said *William Drake* may
* be put to answer all and every of the Premises; and
* that such Proceeding, Examination, Trial, Judg-
* ment, and exemplary Punishment, may be there-
* upon had and executed, as is agreeable to Law and
* Justice.

The Lords ordered this Impeachment to be read,
after which they made another Order, That the said
William Drake should be apprehended as a Delin-
quent, by the Serjeant at Arms, and brought before
them the next Morning, to answer to his Charge;
which being done, and he confessing his Fault, the
Lords, in Consideration of the Shortness of Time
for proceeding further in this Business, left him to be
prosecuted in the King's Bench by the Attorney-
General; where what further was done with this ho-
nest Citizen we know not.

December 5. A Bill had been brought into the
House of Commons, read and committed, for settling
the Postage of Letters; and this Day Capt. *Titus* re-
ported some Amendments to it, on which a long
Debate ensued, and of which our Diary gives very
few Remarks. It only tells us, That Serjeant *Glyn*
said, He knew this Office was thought a Monopoly
in former Parliaments: And that Mr. *Bamfield*
brought in a Proviso to be put to the Bill, in Favour
of one Mr. *Porteus's* Claim to the Office as a Right;
which Proviso was debated near three Hours, and
the Question being put, That this Proviso be read a
second

AN. 12. CAR. II. second Time, on a Division it was carried in the Affirmative, 126 against 116. Upon which the Proviso was read again; and, on a second Question, Whether it should be committed, another Division ensued into 96 Noes and 88 Yeas; so that, adds the Diary, after four Hours Debate in the whole, this Affair came to no Manner of Determination. The *Journals*, however, tell us, That it was resolved the Committee for the Postage of Letters should meet that Afternoon about it, and make their Report the next Morning.

1660.

December.

Debate on the
Bill of Attainder
renewed.

December 7. Nothing considerable came before the House till this Day; when Sir *Heneage Finch* delivered in the Bill of Attainder engrossed. Mr. *Prynne*, upon the reading of it, observed, upon the Providence of God, That the Bill should be brought in at the very Time, which was upon the same Day twelve Years, that the King's Trial was agreed on. He therefore moved that some others of the Regicides, who had surrendered themselves, should be put into this Bill and now executed, particularly the Lawyers, and named *Garland*. Captain *Titus* seconded this Motion, and named Sir *Hardress Waller*, who, he said, was a Pensioner to the late King, saying, The *Turks* would not eat the Bread of any Man they meant to betray; and that a *Roman* Servant, who betrayed his Master, tho' for the public Good, was executed. Lord *Angier* delivered a Proviso to the Bill, to secure a Judgment given to Col. *Ingoldsby*, by Sir *Hardress Waller*, for 2000 *l.* which was in 1658. Mr. *Prynne*, against it, unless the Conveyance was examined. But the Lord *Valentia* and Sir *Heneage Finch* speaking for the Proviso, it was ordered to be Part of the Bill. Mr. *Ratcliffe* offered another Proviso for the Allowance of just Debts and Legacies. Sir *Richard Onslow*, for it. Sir *John Northcot* was for throwing it out, and leaving them to the King's Mercy. Sir *Heneage Finch*, against it. Mr. *Goodrick* was for altering the Proviso, else, he said, honest Men might be punished as well as the Guilty. Lord *Valentia*, against it. Sir

William

William Lewis voted it to be cast out, as it was then penned. *Mr. Bamfield* moved for amending the Bill in several Places, else, as it is, most of the Conveyances in *England* would be destroyed. But, our Author says, *Sir Heneage Finch* gave a very good Answer to all his Objections.

An. 12. Car. II.

1660.

December.

The Debate continuing, *Col. Shapcot* moved to date the Exceptions, not from 1642, but 1648. He was seconded by *Mr. Stevens*. *Serjeant Glyn* likewise was against those general Words, *divers others*, in the Bill, because it was uncertain who was meant by them; upon which it was voted, That those Words be omitted. *Mr. Holles* and *Mr. Prynne* were for making the Exceptions from 1647, and not 1642. *Sir Solomon Swale*, from 1642. *Serjeant Raynesford*, for the Retrospects of Settlements to be 1642. *Mr. Young* answered, That he thought, in 1642, they had no Design against the King's Life; and moved for 1647. To which *Mr. Knight* replied, That he knew they had, for he heard *Hugh Peters* preach to that Effect long before, and moved for 1642.

Captain *Titus* was for dating the Time from the first Overt-Act that ever was shewed against the King, which was when the Lord *Effex* routed the King's Forces in 1645, and when in all their Commissions the King's Name was left out. *Sir William Lewis* was from 1647. *Mr. Palmer*, from 1642. *Mr. Trevor* said, That too great a Retrospect would punish innocent People, and not those who had offended. *Mr. Gott*, for a Retrospect to 1647. *Sir Thomas Meeres* was for 1642, saying, That he heard *Scott* say, That he intended the King's Death from 1642. *Sir George Booth* said, In 1642 these Regicides were so inconsiderable, that they had no Estates to make Settlements of, and moved for it to be from 1647. Lord *Valentia* said, There was no such Retrospect, either in the Case of the Powder Traitors, or the *Irish* Rebels; neither could he think these People had the Crime in their Thoughts in 1642; therefore moved to have their Retrospect only from 1647. Lord *Falkland* spoke for 1642. *Mr. Allen* said, That 1642 would favour too much of Reflection;

An. 12. Car. II.
1660.

December.

tion; and was for 1645. Sir *Heneage Finch* said, That no Person was reflected on intentionally by 1642; but, lest it should be thought so, to amend the Bill and make it from 1646: Which, after all this long Debate, was ordered accordingly, and that the Bill should pass. Resolved also, That the Title of it should be, *An Act for the Attainder of several Persons guilty of the horrid Murder of his late Sacred Majesty King Charles the First.*

December 8. The House of Commons resolved into a Grand Committee, about the Act for a Six-Months Assessment, at 70,000 *l.* per Month, Sir *Heneage Finch* in the Chair. This Bill, our Diary says, was debated, Paragraph by Paragraph, and great Opposition made to altering the Rates, divers urging that their Counties were too unequally taxed. But, after half an Hour's Debate, it was resolved the Tax should be after the old Rate in the last Bill. It being then debated, Whether the King's menial Servants should pay to this Tax, it was thought fit not to insert any such Clause, but to let the Bill go, general as it is, for all Persons to pay. It was moved also by divers for altering the Preamble to the Bill, and it was referred to a Sub-Committee to do it, and to draw up Rules in order to disband the Navy at the least Charge. But to this it was objected that no Committee could appoint a Sub-Committee; but that the Question must be, To report this Debate to the House first, and then the House to name a Committee. The Speaker having resumed the Chair, Sir *Heneage Finch* reported this last Sense to the House, on which a Committee was appointed accordingly.

The same Day the Lords returned the Order, sent up to them before, for taking up the Bodies of *Cromwell, &c.* with a small Addition to it, which was agreed to; so that now the whole Order, as entered in both the *Journals*, stands thus, *viz.*

Resolved, by the Lords and Commons assembled in Parliament, That the Carcasses of *Oliver Cromwell, Henry Ireton, John Bradshawe, Thomas Pryde,* (whe-

Resolutions for
taking up the
Bodies of *Crom-*
well, &c.

{whether buried in *Westminster-Abbey*, or elsewhere) be, with all Expedition, taken up, and drawn upon a Hurdle to Tyburn, and there hanged up in their Coffins for some Time; and, after that, buried under the said Gallows: And that *James Norfolk*, Esq; Serjeant at Arms, attending the House of Commons, do take Care that this Order be put in effectual Execution by the common Executioner for the County of *Middlesex*; and all such others, to whom it shall respectively appertain, who are required, in their several Places, to conform to, and observe, this Order, with Effect; and the Sheriff of *Middlesex* is to give his Assistance herein, as there shall be Occasion; and the Dean of *Westminster* is desired to give Directions to his Officers of the Abbey to be assistant in the Execution of this Order.

An. 12. Car. 11.
1660.
December.

December 10. This Day, on a Motion of the Lord *Valentia*, the Continuance of 1200 *l.* a Week, for the Support of the Garrison of *Dunkirk* till the 25th Instant, and after that to be at the King's Charge, was ordered. Also that the Customs, Contributions, and other Revenues, arising from the Port of *Dunkirk*, shall go to the Maintenance of the said Garrison.

The Commons went again into a Grand Committee on the monthly Tax, Sir *Heneage Finch* in the Chair; and, after several Debates concerning it, the Speaker went into the Chair, and Sir *Heneage* reported the Desires of the House, To name a Committee for bringing in Rules for the Payment of the Fleet; which was done, and they to sit that Afternoon.

Mr. *Prynne* moved in Behalf of the Captives of *Algiers*; but Mr. *Knight* opposed it, unless the House, he said, was certainly informed of the Particulars. On a Motion, however, of Col. *Birch*, a Committee was appointed to inquire how many Captives there are in *Algiers*, and how much Money will do to redeem them from thence.

Some private Matters engrossed the House of Commons now for some Time, which we shall pass over to

An. 12. Car. 11.

1660.

December.

to come at more material ; but, by the Way, it may be necessary to mention an Affair, already taken some Notice of, relating to the defraying the great Expence the City of *London* had been at, in Pageantry and other Decorations, for the Solemnity of the King's Return ; and in order for the Sitting of the Parliament. Capt. *Titus* and Sir *Richard Brown* moved for a Reimbursement of those Charges ; and were followed by Lord *Valentia*, Sir *William Lewis*, and Sir *William Vincent* ; who said, That if those Things had not been done, the Speaker would not have sat in his Chair at that Time. Sir *Thomas Bludworth* and Mr. *Trelawny* spoke for not putting it so much as to the Question : But Sir *Richard Onslow* was against it ; because, he said, Every other City and Corporation in the Kingdom might take Example and petition likewise. Sir *John Northcot* moved, That the Lord Mayor and Common Council should pay them. Mr. *Trevor* said, He was for the Motion then, though when it was moved before he was against it. Mr. *Bodurda* was for not giving Cause of Discontent to the City, but to grant their Motion. Sir *Heneage Finch* was also for it ; since, as he said, the Bill was only to charge the City amongst themselves. One or two Members ; as Mr. *Harris* and Mr. *Baker*, spoke against it ; the latter arguing, That, if it passed, it would include all their Landlords ; meaning, we suppose, the Owners of the Houses where the Members lodged. However, after all this Debate, the House divided, Whether a Bill should be brought in to the Effect mentioned ; but, upon the Division, the Noes yielded before the Door was shut ; whereupon Capt. *Titus* was ordered to bring in a Bill the next Morning. After this was passed, Mr. *Young* stood up and moved, That there might be Leave given for the Country also to bring in a Bill for their Charges, though he said he was against the last. This Motion, our Diary tells us, was seconded by several ; but was broke off by Mr. *Pedley's* reporting some Amendments to the Revival of the Poll Act.

A great Debate arose upon this Question, Whether

ther those that acted as Esquires under the former Government, and by the Acts of the former Parliament, should now pay as such; which was voted that they should. Mr. *Prynne* moved, That all those who sat as Lords in the Lords House of Parliament, under *Oliver*, should likewise pay as such. But Mr. *Bodurda* was against it; saying, That this was the Way to set a Penalty, and so contrary to the Act of Oblivion; on which the Motion was dropt. Sir *George Howe* was for explaining the Act, what, and how much, Ministers should pay. This was seconded by Sir *Anthony Ashley Cooper*; but no more is said than that the Amendments should pass.

An. 12. Car. II.
1660.
December.

The Business of settling a proper Revenue on the King, in lieu of his antient Right to the Court of Wards, was not yet determined by Commissioners; for this Day Mr. *Montagu* reported from the Committee to whom it was referred, That they had agreed upon several Proviso's, or Clauses, to be added to that Bill: First, That this Bill should not prejudice any demesne Lords, as to Fines, Penalties, &c. This was twice read, and, upon the Question, agreed to. Another Motion was made, by Sir *Anthony Ashley Cooper*, That, in Case of Wardships, if the Father of the Child should die, the Grandfather might, by Deed or Will, dispose of his Grandchild: On which the following Debate ensued:

Mr. *Thurland* was against it; saying, That it did belong to the Mother by the Law of Nature; neither did the Mother's second Marriage deprive her of it. Mr. *Chafe* and Sir *John Glyn* spoke against, Sir *Walter Erle* for, the Proviso. Mr. Secretary *Morrice* said, The End of the Bill was to preserve Estates; and for that Reason it was fitter the Wardship should be in the King's Hands than the Mother's, who might spend it voluptuously, as was too often seen, he said, now-a-days. He thought the Grandfather should have the Wardship rather than the Mother, because, if she marry again, you give it to a Stranger; and moved to accept the Proviso. Mr. *Winsfield* said, Sir *William Morrice* was past the Meridian of his Age, and so he thought him no competent

The Affair of the
Court of Wards
renewed.

An. 12. Car. II.
1660.

December,

petent Judge of this Matter: That many Grandfathers might live to doat, and marry young Women; and therefore was against the Proviso. Serjeant *Maynard* moved to lay it aside, and leave it to the next Parliament. Sir *Richard Temple* for the Proviso; saying, A Father-in-Law could not be so advantageous, in this Case, as the Grandfather. Mr. *Stevens* spoke on the same Side, urging a Case which happened in *Gloucestershire*, where a Woman married her second Husband, one Mr. *Bretheridge*, and went away with him into *France* with the Children, and there bred them up in Monasteries. Lord *Castleton* against it; urging another Case, where the Grandfather married a young Woman. Mr. *John Stevens*, to lay it aside at present. Lord *Falkland* was against the Proviso; urging, That the Mother had naturally more Love for the Child than the Grandfather. Mr. *Young* for the Proviso, especially in Case the Mother marry again. Sir *Edward Turner* against it; saying, A young Wife might draw away the Grandfather's Affections to another Troop of Children; and moved to dispatch the Bill without this Proviso. He was seconded by Lord *Howard*. Mr. *Prynne* was for it, and pleaded for the Grandfather; concluding, *Muliere ne credas*. Lord *Bruce* against it; and mentioned several Mothers who had married discreetly. Mr. *Trevor* spoke against the Proviso, because there was not Time enough at present for it. Mr. *Holles*, to lay it aside now; but said, It was not fit that a Stranger should have the Grandfather's Estate, and therefore was for the Proviso. Sir *Solomon Swale* against it, unless they tied up all Widows from marrying. Lord *Valentia* against the Proviso; saying, The Law already gave it to the Mothers, and they were more tender than a Grandfather could be. Mr. *Ferrers* and Sir *Thomas Meeres* were both against the Proviso; the latter saying, That if you take away the Son from the Mother, you debar her of Marriage. Thus, after a long Debate, the Question being put, Whether this Proviso should be received and read, it was carried in the Negative without any Division,

Mr.

Mr. *Young* offered an Amendment to the Bill of An. 12. Car. II, 1660. Excise, which was, That the Duty for Cyder and Perry be taken off. He urged the great Quantity of both which was made in *Devonshire*; that Gentlemen there must be subject to Excisemen; and that it would not gain the King 1000*l.* a-year. He said, That *Devon* was the first County that declared for a Free Parliament; and that this Imposition would be a sad Requital: Therefore he moved that none should pay Excise for Cyder, but such as sell by Retale. Our Diary says, That several Motions were made against this last Affair. Col. *Birch* said, That for one Hogshead that was sold by Retale, forty were sold otherways. Sir *Richard Temple* said, There was as much Reason for Cherry Orchards as for Apples, and moved for the Question. Mr. *Allen* and Sir *Heneage Finch* were for letting the Bill go as it was, lest the whole Duty be struck at. Mr. *Swinfen* moved, That only the Retaler should pay, and the Word *otherwise* put out. Ordered accordingly, and that the Bill be ingrossed.

December,

December 13. The Time of Dissolution now pressing upon the Parliament, the Commons made a Resolution to sit every Afternoon till further Orders.

A private Bill from the Lords had been sent down, for restoring of *Charles* Earl of *Derby* to the Possession of all the Manors, Lands, &c. which belonged to *James* late Earl of *Derby*, his Father; which was this Day read a first Time, but not without some Debate about it. The Case of the Earl of Derby debated.

Mr. *Prynne* argued against the Bill; because, he said, It repealed all his Lordship's own Acts and Deeds, which would destroy the Act for confirming Judicial Proceedings lately passed, and moved to throw it out: On which the Speaker observed, That no one could move to throw out a Bill which came from the Lords, but it ought to be questioned whether to read it again or not; which would be a handsome laying it aside. Col. *King* and Mr. *Knightley* were against the Bill; the latter saying, The Purchasers of his Lordship's Lands were owned by him to do

An. 22. Car. II.
1660.

December.

him a Courtesy at the Time they bought them; and therefore he moved to lay the Bill quietly aside. Mr. *Rigby* was the only Man that spoke for the Bill; and he only said, That his Lordship would repay all the Purchasers Monies; and, in particular, would pay back, for one Purchase, 17,000*l.* which cost but 1700*l.* Notwithstanding this the Bill was laid aside, for there is no Order entered for a second Reading.

Another, but longer, Debate happened this Day, on a Bill Capt. *Titus* brought in, by Order, for enabling the City of *London* to raise Monies for defraying the Expences of providing Trophies, &c. for the Solemnity of the King's Restoration; which was read a first Time.

Debate on the
City of *London's*
providing Tro-
phies, &c.

Mr. *Prynne* was against passing this Bill, till the City had paid their Poll Money. Col. *King* argued, That, if this Bill was allowed to pass, they must do the same Favour to every City and County that should desire it; and therefore he was for laying it aside. Capt. *Titus* spoke earnestly for the Bill; saying, It was the Desire of the Lord Mayor and Common Council of the City, who requested it of them. Mr. *Harris* against it; saying, It was only a Design of some few Officers of the City to promote the Bill for their own Advantage. Sir *Richard Brown* said, It would rejoice the Fanatic Party highly to have the Bill thrown out, since they deny to pay towards it. Lord *Bruce* and Mr. *Knight* spoke for it. Mr. *Harry Eyre* said, The Desire came from a few Persons only, and not from the major Part; and moved to lay the Bill aside, or else to read it To-morrow Se'nnight, which was the next Day after the Rising of the House. Mr. *Baker* was for casting it out; and said, Not one in twenty in the City were for it, and urged the Bill was an Innovation. Sir *Solomon Swale* and Col. *Birch* were for the Bill; Mr. *Boscawen* against it. Lord *Valentia* for it, and urged the City's Readiness to deliver us all from the late Tyranny. Sir *George Booth* spoke for it, because, he said, he saw no Petition against it. On the whole, the Question being put, Whether to read
the

the Bill again on *Saturday* next, it was carried in the Affirmative, 114 against 56. An. 12. Car. II,
1660.

The Solicitor-General, Sir *Heneage Finch*, brought in a Bill from the Committee for settling on the King, during his Life, the other Moiety of the Excise on Beer, Ale, and other Liquors; which was read twice, and ordered to be referred to a Grand Committee, who were to sit that Afternoon, and so *de Die in Diem* till that Business was dispatched.

December,

As it has ever been the Custom of Parliament to go upon Grievances whenever subsidial Bills were in Agitation, so now, when this grand Settlement on the Crown was before the Commons, this old Affair was resumed; but it was somewhat odd to talk of Grievances in a Government so newly established, though upon its old Foundation. The Reader, if this Debate gives him any Satisfaction, must praise the Memory of the Author of the Diary, so often mentioned, for it; for from that Authority alone the whole is taken.

Sir *Walter Erle* moved to do somewhat for the Good of the People, in lieu of these great Payments; and complained of some Disorders in the Army. He said, That Soldiers had come into some Houses he knew of, and, calling the People *Roundheads*, had done much Mischief; which he moved might be taken Care of. This Motion was seconded by Sir *John Northcot*, who moved for a Committee to consider of it, and present the Grievances to the Lords; and if they would not redress them, then this House to remonstrate to the King. Col. *King* complained against the arbitrary Power of Lord-Lieutenants, particularly the Lord *Derby*. Mr. *Stevens* said, That as he had lived an *Englishman*, he desired to die so, and not to leave his Posterity Slaves. He spoke also against the Lord-Lieutenants, and moved for a Committee to examine all Abuses. Sir *George Booth* for the same; saying, There were very great Abuses abroad. Mr. *Palmer* moved to check Col. *King*, who mistook his Information concerning Lord *Derby*. Mr. *Harry Hungerford* spoke also against the Exorbitancies; aver-

On the Bill for settling the Excise on the King for Life.

An. 12. Car. II.

1660.

December.

ring, That, to his Knowledge, in some Places, 2 s. 9 d. a-day was exacted for each Trooper, and this especially whilst the Parliament is sitting; and moved to acquaint the King with these Grievances.

Sir *Heneage Finch* said, The Remedy was to be had without going out of the Door; it was but to resume the Debate of the Militia, whereby all these Abuses might be regulated. He moved against any Remonstrance; which, he said, was the Wilderness in which at first they wandered to Destruction; and was not for having them fully the Glory of their Offering, the Revenue, with a Complaint to the King at the same Time.

The Debate still continuing, Lord *Howard* said, That these Complaints were not so universal as some would make them. He justified the District where he had to do from any such Thing; but that it all might be remedied by resuming the Militia Bill. Mr. *Bunckley* was satisfied there were such Abuses done; but said, That in his Country all was quiet, by the Care of the Lord-Lieutenant there; yet was for a Bill to restrain all. Mr. *Barnfield* acquainted the House, That he had a Petition given him, by one, against the Lord *Derby*, about a Minister kept out of his Church, whilst another was put into it by Lord *Derby's* Soldiers, who had taken Possession of the Minister's House: That they knock'd him down several Times, crying, *Is the Rogue living still?* That they also knock'd down his Wife, which made her miscarry; and, after thus injuring them, turn'd them both out of Doors. He added, That Papists were set upon *Hassel*^h, and instanced Mr. *Foley* and Mr. *Moore*, whose Horses were so set out: But yet, he said, That, in all these Complaints, there was no Reflection thrown upon his Majesty, but on those employed under him. He thought the Bill for the Militia could not now be finished in Time; but moved to acquaint the King with these Matters, and desire his Care and Reproof therein. In Answer to this Charge against the Lord *Derby's* Soldiers, Mr. *Rigby* stood up and said, That he came thro' the

^h So in the Manuscript; but the Meaning unknown.

the Town where the Minister lived, and dwelt himself not far from thence, and he heard nothing of this great Complaint made by Mr. *Bamfield*: But, since he got to Town, he heard that this Minister, Mr. *Jessop*, refused to give Obedience to a Replevin, which caused a great Opposition by the Sheriff's Officers, and some Violence was offered him on that Account: That he got Guns into his House to oppose the lawful Minister, who was come to take Possession; and therefore left it to the House to consider of this Complaint.

An. 12. Car. II.
1660.
December.

Sir *Samuel Jones* moved for the Militia Bill, that they might know, he said, how to govern and be governed. Lord *Falkland* told the House, That the King had taken Care for all these Things; and moved to go to the Business of the Day. Sir *Anthony Ashley Cooper* said, Those Things had no Approbation from his Majesty, but Checks; and moved for a Law to know how to walk by a Rule; but to pass over such Things as could not be justified.

The rest of this Debate was of no great Significance; Sir *Ralph Ashton* complained of Exorbitancies, and moved to send for some of the Offenders. Sir *John Bowyer* desired that all Counties might not be aspersed for the Wrongs done in one, and was for an Act. Colonel *Shapcot*, against raising Money by others whilst the Parliament is sitting. Mr. *Goodrick* was for a Conference with the Lords. At last, Serjeant *Maynard* moving for some Amendments to be made to the old Militia Bill, it was ordered, That the Grand Committee do meet that Afternoon about it.

December 14. This Day somewhat remarkable happened, in regard to the Rules of the House. Serjeant *Maynard* moved, That the Speaker would reprove all Persons that he observed talking, or but whispering, or reading a Paper. Very soon after, and whilst a Bill was reading, the Speaker took Notice of some Gentlemen that were talking near the Bar; whereupon it was ordered, That if any Gentleman,

An. 12. Car. II. 1660. A Gentleman, for the future, should stand at the Bar, he should forfeit Twelve-pence.

December.

Few Debates were in the House now for some Days, and Business went on without them. Some Reports from the Committee for settling the other Moiety of the Excise on Beer, &c. as also on the Bill for an Excise on Inland and Foreign Commodities, were received and put forward by the House.

Dec. 15. The first Bill for settling an Equivalent on the King for taking away the Court of Wards, was, this Day, passed in the House of Commons, after a great Number of Additions, Alterations, and Amendments made to it. The Bill for settling the other Moiety, &c. was referred to *Monday*,

Dec. 17. The famous Mr. *Milton* having now laid long in Custody of the Serjeant at Arms, was released by Order of the House. Soon after Mr. *Andrew Marvel* complained that the Serjeant had exacted 150 *l.* Fees of Mr. *Milton*; which was seconded by Col. *King* and Col. *Shapcot*. On the contrary, Sir *Heneage Finch* observed, That *Milton* was *Latin* Secretary to *Cromwell*, and deserved hanging. However, this Matter was referred to the Committee of Privileges to examine and decide the Difference.

The second Bill
of Settlement
passed.

This Day also the Bill for the other Settlement on the King was read and passed, Alderman *Backwell's* Proviso for 28,450 *l.* being first admitted.

Sir *John Northcot* made a Motion, That there might be 5 or 6000 *l.* given to the King to buy Jewels for the Crown, the rest being stolen from it; seconded by the Lord *Valentia*, and to make it up 10,000 *l.* as a Mark of the Favour of the House, having taken away such a Jewel from the Crown as the Court of Wards. Mr. *Prynne* was also for the Motion; but for Sir *Henry Mildmay* to pay it, having, as he said, stolen the former.

Lord *Howard* was for the Motion, as also Sir *William Lewis*, who moved for laying a Month's
Assess-

Assessment to raise the Money, rather than charge it on the Excise, according to others. Sir *Heneage Finch* seconded this last Motion; and, accordingly, it was ordered, That a Month's Assessment, after the Rate of 70,000 *l. per Menssem*, be granted and given to the King towards the Charges of his Majesty's Coronation, and to buy Jewels for the Crown, suitable to his Honour and Grandeur, and as a Memorial of the Respect and Affection of this House to his Sacred Majesty.

An. 12. Car. II.
1660.
December,

Mr. *Young* moved to consider those that were instrumental in the King's Preservation, after the Battle of *Worcester*, and named Col. *Francis Windham*; adding, That there was 1000 *l.* offered to take the King, and the *Romans* used to give Rewards to any that preserved a private Citizen. Sir *John Northcot* was against it, saying, There were many of the like Nature concerned, and was for leaving of it to the King. On this our Diary tells us Col. *Windham* himself stood up and said, That the Act itself was a sufficient Reward; and therefore he did not press for any on that Account, but modestly mov'd to go to the public Business. Mr. *Holles* moved to give him the public Thanks of the House. Lord *Falkland*, for a Jewel. Lord *Bruce* desired the Motion might not die. Lord *Valentia*, for the solemn Thanks of the House. Mr. *Bunkley* moved for rewarding both his Modesty and his Merit with a Jewel of 1000 *l.* Value, chargeable on the Arrears of the Excise. This Motion was accepted and ordered accordingly; after which, by another Order of the House, the Speaker addressed himself to the Colonel, in these Words, as they are entered in their *Journals*: Mr. *Windham*, "You perceive what Notice the House hath taken of your great and eminent Service, whereby it pleased God to make you instrumental in the Safeguard and Preservation of his Majesty's Sacred Person; a Blessing we have all an Interest in. We have had many despairing Years; and, by your Means, we have been raised out of the Grave of Despair and Confusion: And therefore I am commanded, in the Name of

An. 12. Car. II.

1660.

December.

of this House, and those they represent, the Commons of *England*, to give you, and I do accordingly give you, their hearty Thanks."

'Ordered, That the House do sit this Afternoon, and that the Lords be desired to do so too, by reason of the great Weight of Business to be done before the Rising of the House.'

Capt. *Titus* reported the Bill for the Settlement of the Post-Office, with the Amendments; which were agreed to. Sir *Walter Erle* delivered a Proviso for the Letters of all Members of Parliament to go free during their Sitting. Sir *Heneage Finch* said, It was a poor mendicant Proviso, and below the Honour of the House. Mr. *Prynne* spoke also against the Proviso. Mr. *Bunckley*, Mr. *Boscawen*, Sir *George Downing*, and Serjeant *Charlton*, for it; the latter saying, The Council's Letters went free. The Question being called for, the Speaker was unwilling to put it, saying, He was ashamed of it; nevertheless the Proviso was carried and made Part of the Bill, which was ordered to be ingrossed.

In the Afternoon of this Day, the Bill against planting Tobacco in *England* passed the Commons, which was all of Moment that was done. The Diary tells us that an ingrossed Bill, for a Supply of the Defects of the Poll Bill, was debated two Hours, when it was adjourned to the next Day; but gives none of the Arguments upon it.

Letters from the King, &c. concerning Admiral *Lawson*.

Dec. 18. A Letter from the King, directed to the Speaker of the House of Commons, was read, in Behalf of Vice-Admiral *Lawson*, to confirm to him 500*l.* a Year, given to him by the Parliament in *February* last. This Letter of the King's was attended by one also from the Duke of *York*, on the same Occasion; another from the Duke of *Albemarle*, and a Petition from Sir *John Lawson* himself. On all which a curious Debate ensued, which explains a Passage entered in the *Journals*, which, without it, is unintelligible.

Sir

Sir *Anthony Irby* first excepted against that Passage in the King's Letter, which calls them a Parliament in *February* last, when they were then, he said, no more than the Rump of a Parliament.—
An. 12. Car. II.
1660.
December.

Upon which the Members of the House, who were of the King's Council, were ordered to acquaint his Majesty with the Mistake, and the Reason why the Thing was obstructed. Debate upon him.

Then Admiral *Lawson's* Petition was read; and Sir *John Northcot* moved, That the Clerk should search the Book to see if any such Order was made. Sir *Arnold Breames* justified the Fidelity of *Lawson*; said how long he had been acquainted with him, and what Discourse he had, testifying his Loyalty in the Time of the Rump; and that the King might as safely trust him as himself: That the Admiral would venture and engage for the King as much as any Man, if he might but have Liberty of Conscience; and he heard him say, That if the Government of the Nation should be in one Person, the King was the fittest Person for it; that tho' indeed it might be objected that he took the Oath of Abjuration, yet he was compelled to it; and tho' he came up to the Mouth of the River, and made such a Declaration against the King, that was upon Compulsion also, and his Heart was right; as it could be testified by the Earl of *Bath* and Lord *Mordaunt*, who had the Information from himself. To this extraordinary Harangue Sir *William Wylde* replied, That he knew *Lawson* to be so sufficient a Traitor, that he deserved no Reward, having abjured the Royal Family, and assisted the Committee of Safety: That he desired Liberty of Conscience only as a better Pretence to rebel hereafter; and his *If*, at the King's Government, was a sufficient Argument against him. Mr. *Prynne* said, There was a Vote passed for him, but it was by the Rump, to the end he might serve, Point-blank, against the King; and moved the House to let him have what he really did deserve.

There was but one Member more, Mr. *Shaw*, that spoke in Sir *John Lawson's* Favour; and he only

An. 12. Car. II.
1660.

December.

only said that, when he was in Prison, Sir *John* assisted him. But Sir *William Lewis*, Serjeant *Glyn*, and Mr. *Holles*, calling out to go to the Business of the Day, this Matter was dropp'd; and the Poll Bill being read a third Time, was passed with some Amendments.

Col. *Birch* reported to the House the State of the public Debts of the Kingdom, saying, there was yet to pay to the Fleet and Army 673,000 *l.* Col. *King* and Mr. *Knight*, who were of the same Committee, said they knew nothing of this: But were reproved by Serjeant *Maynard*, who said, They ought to suffer the Gentleman to go on with the Report; and when he had done, then to object against him, but not before. The Colonel then proceeded, and said, That the Debts charged upon the Exchequer amounted to 529,000 *l.* and were all Debts before the King came in, as well as the Debts charged upon the Excise, which came to 319,000 *l.* Adjourned to the next Morning.

December 19. This Day the Commons took it into their Heads to grant Rewards to several Persons who had done signal Services for the Royal Family, or suffered greatly for them in the late Troubles. On a Petition of Sir *Edward Massey*, once Col. *Massey*, the ill-fated Governor of *Gloucester*, a Reward of 3000 *l.* was given him. Sir *William Lewis* moved for Capt. *Titus* to have 2000 *l.* bestowed upon him, for his Fidelity and good Services, not for any Debt. This Motion being seconded by Sir *John Northcot*, the House ordered him 3000 *l.* Sir *Edward Bowyer* moved for Major-General *Egerton*, which also was seconded by Sir *George Booth*; but nothing done in this Matter. Lord *Valentia* spoke for 1000 *l.* to be given to Major *Philips*, who was Major to *Langham*, which was also abortive, as was another Motion for Major *Ashurst*. Sir *Heneage Finch* moved to grant a Reward to Sir *Samuel Jones*, which set the House into laughing. But the same Member moved again to lay all aside, the

Excise

Excise being already given to his Majesty, it was not in their Power to grant any thing out of it. An. 12. Car. II. 1660.

A Lady comes next in Question, to have a Reward, for her Courage and Conduct in the King's Escape after the Battle of *Worcester*. This was the famous Mrs. *Lane*; but her Cause took more pleading for than any of the former, for tho' Sir *Clement Throckmorton* first moved for a Reward for her, and he was followed by Mr. *Swinfen*, Sir *John Bowyer*, who was for a Jewel of 500 l. Mr. *Goodricke*, Mr. *Ferrers*, Sir *Robert Brook*, and Sir *Edward Massey*, yet it met with much Opposition from others. Sir *Trevor Williams* took Occasion to move for a Reward for Col. *Windham's* Sister, who, he said, rode six Days with the King, whereas Mrs. *Lane* rode only two. Sir *Thomas Bludworth* was for leaving Mrs. *Lane* to the King for a Reward. Mr. *Boynnton* said, They were giving away as freely as if they had all that the Rump thought they had, which was so inconsistent with Monarchy, that he thought the House wanted an Act of Indemnity to absolve them; and moved to go to the Business of the Day. Sir *Harry Worsley* told the House, They had no Power over the Purfes of the People, but only in giving to the King; and moved, That, rather than do so, every Member should give her forty Shillings out of their own Purfes. Sir *Anthony Ashley Cooper* was for going on with the public Business, and said, He would never consent to give any Money but to the King. Mr. *Hungerford* said, By the many Gifts they were bestowing, he thought the House was making its Will, and moved rather to give the Money to the Poor at the Door.

On the other Hand, Mrs. *Lane's* Advocates were Col. *Birch* and Mr. *Trevor*; which last moved for 1000 l. and was seconded by Sir *Richard Hopkins*. Sir *William Lewis* said, That it would sound very unhandsomely abroad, as this Affair had been debated so long, if it should be now thrown out; and moved for Mrs. *Lane*. Sir *John Potts* said, If the Motion had been made sooner, it had not been so long debated; and therefore, considering the great Peril

December.

The Case of
Mis. *Jane Lane*
debated.

An. 12. Car. II.
1660.

December.

1000*l.* given her.

Peril and Adventure she run, and the Service she did, he thought Mrs. *Lane* deserved 500*l.* Sir *John Masbam* was for putting the Question first, Whether this House have a Power to give Money to any but the King? However, Sir *Henry North* moving for 1000*l.* that Question was put, and carried in the Affirmative, without Division. So it was resolved, That, as a Mark of Respect to Mrs. *Lane*, and in Testimony of the high Resentment and Value of her Service, in being so signally instrumental to the Preservation and Security of the Person of his Royal Majesty, there be conferred upon her the Sum of 1000*l.* to buy her a Jewel; and that the same be charged on the Arrears of the Grand Excise, &c.

December 20. Instructions and Rules for discharging and paying off the Navy were read and agreed to.

The Post-Office Bill. Both the Universities excepted from paying for Letters.

A Bill for erecting and settling a General Letter-Office, by the King's Majesty, was read a third Time. Dr. *Mills* offered a Proviso to it, to except the Carriers of both Universities, that they might carry Letters as formerly, notwithstanding the Bill. Mr. *Crouch*, Mr. *Bodurda*, and Dr. *Clayton*, spoke for it. Col. *Shapcot* and Sir *Anthony Irby*, against it. Serjeant *Glyn*, for the Proviso, urging, how welcome a Carrier was to the Scholars; but said the Bill seemed as if it was drawn by a Scholar, and moved to have a better. Serjeant *Maynard*, against this Proviso, but for some other that might do the Turn; on which it was withdrawn for a Time. Some other Provisos of no Consequence being offered and rejected, Dr. *Clayton* introduced a new one for the two Universities, putting *Oxford* before *Cambridge*; on which, says the Diary, a great Debate arose which should be named first. Mr. *Swinfen* argued, That, if it was passed so, it would be thought there were more *Oxford* Men than *Cambridge* in the House at this Time; that every Member in the House was either of one, or both, or neither; and moved to have it said, of both. Sir *George Reeves* was not for making a Variance between two Sisters,

by

by making them quarrel, like Women, about Place. An. 12. Car. II.
 Sir *Thomas Meeres* said, That, if the Proviso pass'd as
 it is, it would shew that *Oxford* Men could fast bet-
 ter than *Cambridge*, because, he observed, many of
 the others were gone to Dinner. Ordered, That it
 go for both the Universities, and that the Bill do
 pass.

1660.

December.

December 21. Mr. *Street* reported from the Com-
 mittee what Recompence was to be given to the
 Officers of the Court of Wards, who would lose their
 Places if the said Bill be passed into a Law. He
 presented a List of the yearly Value of those Offi-
 ces, and of what the Committee thought an Equi-
 valent for the same; which was read, and occasioned
 the following Debate :

Lord *Valentia* was for laying this Bill aside, for
 two Causes; because they knew not yet whether the
 other Bill would pass the King; and, *secondly*, they
 knew not on what Fund to charge the Money. Sir
Henry North spoke for the Officers; Sir *Anthony*
Irby and Mr. *Knightley*, against them. Sir *Edward*
Turner was for commending them to the King,
 that, before the next Parliament, he may provide for
 them. Sir *George Downing*, to lay it aside, and pro-
 ceed upon the Bill for Fishery, or any else. Mr.
Chafe was against taking away any Man's Office
 without a Recompence. Mr. *Prynne* moved, jest-
 ingly, that every Man then should be recompensed.
 Mr. *Knight*, to lay it aside, and Sir *Allen Broderick*,
 to leave it to the King. Sir *John Northcot* said, It
 should be set down as a Debt; and moved, merrily,
 to leave it to the next Parliament. Mr. *Allen*, as
 merrily, to name Commissioners to examine their
 Losses against the next Parliament. Sir *Heneage*
Finch was for leaving it to the King, or else to the
 next Parliament, with a proper Recommendation of
 the Case to them. Mr. *Thomas* spoke against any
 Recompence being allowed these Officers at all, be-
 cause, he said, it was against Law to buy any Office,
 which they did. Col. *King* and Serjeant *Charlton*
 were for no Recompence till the Bill was passed,
 and

Debate about the
 Officers of the
 Court of Wards,

Ap. 12. Car. II. and then to leave them to the King. Sir *Thomas Wroth* told a Story of two Monks that contested with a King about buying an Office. He asked a third Monk, that stood by, What he would give? Who answered, Nothing: Upon which the King gave him the Office. In like Manner, he said, he was against any Recompence, because these Officers bought their Places. Upon the whole the Question being put, Whether the Officers of the Court of Wards, in case the Bill do pass, be taken into Consideration for a Recompence for their Places? It passed in the Negative.

1660.
December.

Mr. *Holles* acquainted the House, That he had just met the Lord-Chancellor, who told him the King had expected, ever since Yesterday, to hear from the House that their Business was ready, that he might dissolve the Parliament: Therefore he moved, That this Day and To-morrow all might be dispatched, so as they might have nothing to do on the next, but wait upon the King. But though the House took great Pains to perfect Things, yet they exceeded Mr. *Holles's* Calculation several Days.

The Bill for a Six-Months Assessment at 70,000*l.* a Month, was this Day read a third Time; on which Mr. *Thomas* moved, That *Scotland* might help to pay some of the public Debts, or pay off the Army there, they having heretofore received so much Money, he said, from hence, and never yet contributed any thing to the public Debts of this Kingdom. Sir *John Northcot* seconded this Motion; or else not to assign any of the Money raised here for disbanded the Army in *Scotland*, but pay our own Soldiers and Sailors. On these Motions a Proviso was brought in, by Sir *Thomas Clarges*, for *Scotland*; but which, after some small Debate more, was rejected.

An Accident happened this Day in the House of Commons, which occasioned some Merriment amongst them. The Lords sent down two Messengers with some Bills they had passed, with some Amendments; to which the Bearers said, The Lords humbly desired the Concurrence of that House. When these were withdrawn, our Manuscript Diary says,

says, a hearty Laughter ensued at the Word *humblly*, An. 12. Car. II. and some moved to have it so put down in the *Journals*, as a Precedent. 1660.

December,

The Bill for raising 70,000 *l.* for one Month was ordered to be ingrossed.

December 22. The Lords sent down the Post-Office Bill with an Alteration, That the Letters of the Members of the House of Commons should not go free; to which that House assented.

A Debate began about Licences for selling of Wine, for which a Bill had been brought into the House, and several Provisoos and Amendments were offered to it. Lord *Valentia* moved against all Mixtures of Wines, so as to vitiate them; on which it was ordered, that some should withdraw immediately to pen a Clause for that Purpose. Sir *Henry Cholmley* moved, That they have also a Power to set a Rate upon Wines; which was opposed by Serjeant *Glyn* and Sir *Edward Turner*, in regard the Laws already made did provide for it. Sir *John Masham* said, Those were not sufficient, and moved for a certain Rate to be set on Wines. But the House thought proper only to recommend it to the Committee on the Bill, to take the Laws, then in Being, into Consideration, in order to have those Statutes quickened that relate to the Prices of Wines. On a Motion of Mr. *Jones*, That a Clause be inserted in the Bill, for enabling of the Owners of any Tavern to take Wine Licences, as well as any Vintner or Retailer of Wines: On the Question, the House divided into Yeas 116, Noes 86; so that Clause was ordered to be inserted. On Wine Licences.

The Speaker delivered a Letter from the Queen of *Bohemia* to the House, which was read, to return Thanks to them for the 10,000 *l.* they sent her from hence, and to desire the Continuance of their Respects to her.

Lord *Valentia* moved to consider the Condition of the Queen for the future, and to refer it to a Committee to report what has been formerly done for her. Sir *John Northcot* was for laying it aside, having Debate about the Queen of *Bohemia*.

An. 12. Car. II.

1660.

December.

ving now not Time to do it, and to leave it to the King. Sir *John Holland* spoke very earnestly for the Queen, saying, That for these many Years she had been fed and cloathed upon Charity; that she was a most excellent Person, and a great Lover of the *English*, insomuch that she was called the Queen of Hearts. He therefore moved that the House would own her Debts, which were very pressing, in order to preserve her from the Violence of the People. Sir *Henry North* for her also, in regard of her near Relation to the King, and her own great Worth; and moved to own her Debts, which, he said, would be some Satisfaction to her Creditors. Capt. *Titus* said, If it should be objected that her Son, the *Palsgrave*, was restored to his own, it was not a Reason against her, because he was no such kind Son to her, nor civil Kinsman to his other Relations. Sir *George Downing* said, The *Palsgrave* did allow her something, but it was in Corn and Provision, which was very inconsiderable, considering the Charge that laid upon it; and moved to own the Debts. Sir *Edward Turner*, for her; saying, Besides the Compassion there was a Duty to her from the House, as the King's own Aunt. Mr. *Prynne* moved to consider, first, what Debts the House had already engaged for; and was rather for a public Benevolence for her. The Speaker was also one of her Advocates; but nothing of what he said is noted in the Diary.

This Debate would very probably have ended much in Favour of this unhappy Queen, had not her old bad Fortune attended her still, and promoted a Quarrel between two Colonels, but both Members, which had like to have involved the whole House in the same.

Col. *Birch* saying, That he had reported this Affair of the Queen's to be a National Debt, amongst the public ones, from the Committee appointed for that Purpose; and moving to have an Excise on all foreign Commodities to help to pay off all, Col. *King* answered, That he was against such an Excise, and averred, that he, being of the same Committee,

knew

knew nothing of this Motion of Col. *Birch*, but that there was a Design to bring in a foreign Excise by some. Col. *Birch* justified himself in what he had said. Mr. *Boscawen* spoke against him. Lord *Valentia*, for Col. *Birch*, saying, He had Orders to make the Report, and those that found Fault with him ought to be check'd. Sir *William Lewis* very handsomely moved for a Composition of this Business, before it grew worse. But a great Debate ensued concerning the Orders of the House, upon the Lord *Valentia*'s taking down Col. *King* whilst he was speaking against Col. *Birch*, because he had fallen upon some other Business, after he had spoken to the Order. Sir *Thomas Meeres* endeavoured to re-assume the Queen's Business, and moved to own her Debts. But all would have been ineffectual, had not a Message from the Lords, along with some Bills they had passed, opportunely made an Interruption; and it was not, as we can find, re-assumed during this Session. The whole that is said of this Matter is comprehended in three Lines in the *Journals*.

An. 12. Car. II.
1660.
December.
A Quarrel in the
House of Com-
mons.

One of the Bills sent down this Time from the Lords was the Bill of Assessments, with this Proviso to be added to it, 'That nothing therein contained should be drawn into Example, to the Prejudice of the antient Rights belonging to the Peers of this Realm;' which Proviso, on the Question, was agreed to. To another Amendment, made in the same Bill, about paying the Arrears of the Navy, a short Debate arose. Sir *William D'Oyley* said, That the Money to be raised by this Tax would not pay off the public Debts; for the Debt of the Army yet was 115,000 *l.* and that of the Navy, 388,000; so it was agreed to adhere to their former Vote, and reject the Lords Amendment.

Sir *Heneage Finch* reported, from the Committee, the Proviso for better preventing the vitiating of Wines, which was on Penalty, for the Merchant, 100 *l.* the Retailer, 40 *l.* Mr. *Chase* moved against putting Lime into Wine, seconded by Sir *John Frederick*;

VOL. XXIII.

E

derick;

† It is probable the Queen gained her Point some little Time after, for we find her put down for two Ten Thousand Pounds given her by this Parliament, and charged on the Excise.—See p. 76, 77.

An. 12. Car. II.

1660.

Decem.ber.

derick; which was agreed to, and ordered the Bill to be ingrossed. Mr. *Bodurda* moved against Milk too; but Sir *John* said, That a Pottle of Milk, or such like Quantity, did more Good than Harm to Wines.

It has been mentioned before that both Houses had agreed to sit Morning and Afternoon, for the speedier Dispatch of Business, before their Dissolution; so, on the Afternoon of this Day, amongst other Matters, the Debate on the Bill for an Excise was re-assumed, and, our Diary says, much was said, Whether the Merchants and Brewers should take an Oath of their full Payments of the Duty, or the Accountants and Commissioners only? Ordered for the Accountants.

Several free Conferences were, at this Time, held between the two Houses, about Provisoos and Amendments to Bills, not worth Notice; and this Day another was desired by the Lords about a Message from the King; which, at their Meeting, the Lord-Chancellor reported, That he had delivered the King's Message to the Commons, which ran in these Words, *viz.*

A Message from
the King.

‘ **H**IS Majesty hath expected, ever since *Thurs-*
‘ *day* Morning, to be informed, that his two
‘ Houses of Parliament had been ready to present
‘ such Bills to him as they had prepared for his Royal
‘ Assent, and hath continued ever since in the same
‘ Expectation, and hoped that he might, this Day,
‘ have finished the Work, and dissolved them ac-
‘ cording to his Signification; but being informed
‘ that there are yet depending in both Houses some
‘ few Bills of great Importance to his and the Pub-
‘ lic Service, which are not yet ready to be present-
‘ ed to him; and being desirous to part with his
‘ two Houses of Parliament, who have deserved so
‘ well of him, in such a Manner, that they may not
‘ be obliged to use more Expedition in the Dispatch,
‘ than is agreeable to the Affairs which are to be
‘ dispatched, his Majesty is graciously pleased to
‘ declare, That he will be ready to pass such Bills
‘ as are necessary, in Point of Time, to be passed, on
‘ *Monday* Morning; and then that the Houses ad-
‘ journ

‘journ till *Thursday* Morning, so that they may
 ‘have that Day and *Friday* to put an End to those
 ‘most public Bills which are not yet finished; and
 ‘his Majesty will on the next Day, being *Saturday*
 ‘the 29th of this Month, be present with them, and
 ‘dissolve the Parliament; and his Majesty desires
 ‘both Houses, against that Time, to lay aside all
 ‘Business of private Concernment to finish all pub-
 ‘lic Bills.’

An. 12. Car. II.

1660.

December.

Dec. 24. A very long Debate happened in the House of Commons this Day, on a Bill sent down by the Lords, intituled, *An Act for the settling of all the Manors and Lands of the Earl of Cleveland in Trustees, to be sold for the satisfying the Debts of the said Earl, and of Thomas Lord Wentworth his Son.* Our Diary gives this Debate at full; but as it was only on a private Affair, we think it not proper to trouble the Reader with it.

In the Midst of this long Debate, they were interrupted again by a Message from the King, commanding the Speaker and the whole House to attend him in the House of Lords: On which they all went up; when the Speaker, as the Diary says, presented his Majesty, in a handsome Speech, with the Bill for taking away the Court of Wards and Purveyance; to which the King gave his Consent: Likewise the Bill for settling the Moiety of the Excise on Ale, Beer, and other Liquors, for Increase of his Majesty's Revenue during Life. For which the King, in very few Words, gave Thanks at present; but said he would enlarge himself on *Saturday* following, the Day appointed for dissolving the Parliament.

The King comes to the House to pass some Bills that were ready.

At their Return to their own House, Sir *Heneage Finch* moved to adjourn to *Thursday* the 27th, in regard the Lords did so; and said, That To-morrow was not a *. Col. *Shapecot* for only till *Wednesday*; and was seconded in it by Col. *King*. Mr. *Pierrepont* desired that the King's last Letter

E 2 might

* A Word obliterated in the original Manuscript; but as the Day was *Christmas-Day*, we suppose it something relative to that Festival.

An. 12. Car. II.

1660.

December.

might not be entered in the *Journals*, lest it should be thought the House adjourned solely upon that Message, which might be construed a Breach of Privilege (tho' he himself did wholly submit and comply with the King's Desire); for, he said, That the King could not adjourn the House, tho' he could dissolve it; but that the House must adjourn, as an Act only of itself. This was the Reason the Letter was not entered as usual.

Dec. 27. A Bill for Encouragement of the Fishing Trade of this Nation was read a third Time; in this there had been a Clause inserted, That no Person should eat Flesh on a *Wednesday*. Sir *Samuel Jones* offered a Proviso to it, That all Travellers on the Road might have Liberty to have Flesh dressed, at their Inns, notwithstanding this Act. Sir *Robert Broske* against it. Sir *William D'Oyley* said, jestingly, That it was fit Sir *Samuel Jones* and his Family should be excepted out of the Bill for his Motion; the Bill passed without the Proviso.

The Bill for granting Wine Licences was, this Day, read a third Time, when another great Debate happened upon it.

Debate upon the
Bill for Wines.
The Prices of
them assigned.

Sir *Thomas Clarges* moved, That the Lord Chancellor and Treasurer, according to the Statute of *Henry VIII.* should settle the Prices on Wines; he delivered in a Proviso, particularly on *Sack*, *Muscadel*, *Alicant*, and all *Spanish* Sweet Wines, to be sold, by Retail, for no more than Eighteen-pence a Quart; and that no *Gascoign* or *French* Wines whatsoever should be sold for above Eight-pence the Quart, and no *Rhenish* Wine for above Twelve-pence, under the Penalty of five Pounds Forfeiture, &c. Sir *John Glyn*, against this Proviso, said, That it was not practicable nor possible to effect it, by reason some Regard must be had to the Merchant's Price; he was for laying the Proviso aside, because the present Laws do already provide for the Purpose. Mr. *Bodurda* said, That this Proviso would not do the Work, because there must be Allowance made for the Carriage of Wines by Land, which must make

make it dearer. Mr. *Allen* and Sir *William Wyld* spoke for the Proviso; Capt. *Titus* against it, urging, That it could not be effected, unless they could command the Vintages abroad. Mr. *Holles* and Sir *Heneage Finch* were for doing something in the Affair; and if the Lords, before-mentioned, could not be at Leisure, some Way else might be thought on.

An. 12. Car. II.
1660.
December,

Here the House were interrupted in their Debate by a Message from the Lords, of no great Consequence, which, when it was dispatched, the Proviso, as before, was again read, and the Debate re-assum'd.

Sir *Anthony Ashley Cooper* said, He doubted much whether any Good would be had by this Proviso. Sir *Thomas Bludworth* was for altering the Time of the Lords meeting to set the Prices, and thought it might be better to do it before the Merchant make his Market. Sir *William Lewis*, for the Proviso. Mr. *Knight*, the same, and was both for the Proviso and the Time; saying, If they set a Price sooner, they prevented the Merchant from going to Market, when he knows what he must pay before-hand. Serjeant *Glyn* spoke against the Proviso, saying, That the Laws did already provide for it; that the Price was set too low, for he knew that People gave Sixteenpence a Quart for *Rhenish* Wine upon the Place. Lord *Valentia* was for laying the Proviso aside, Because, he said, they included both the Merchant and Vintner, without hearing them; that the Lords, indeed, ought to set the Rates, but if they did not, would the House punish the Merchant for the Faults of the Lords? Which he hoped he should never see in that House: Besides, he added, this Proviso would derogate from the Customs. Mr. *Prynne* was for having it altered, and Prices to be fixed by the first of *June* next. Serjeant *Charlton* said, The Proviso was consistent with the King's Interest, and the Benefit of the Subject; but that it should look to the next Vintage, not to that which was past. Serjeant *Maynard* said, Prices may be put upon any Kind of Meat, or Drink, by Law; that the Lords would not set the Prices by hearing Parties; and

An. 12. Car. II.

1660.

December.

moved to limit the Time to *September* next. Sir *Anthony Irby*, against the Proviso, saying, That Eight-pence and Eighteen-pence, was a great Price for Wines, and that the *Spaniards* and *French* would take Advantage on us, when they know such Prices are given here. Sir *Heneage Finch*, for the Proviso, urging, That the Vintages abroad must sell rather than we buy. Col. *Birch*, on the same Side, said, That the lower the Prices of Wines were, the greater Advantage it would be to the Customs. Mr. *Boscawen* spoke only for Sixteen-pence on Sack. To conclude this tedious Affair, Sir *Thomas Clarges* told the House, That, before the Proviso was drawn up, an eminent Merchant was consulted, who did cast up all the Losses by Wine, as Leakage, &c. and said, That by these Prices, so set, the Vintner would get the Third Penny. On which the House not only took in the Proviso, but passed the Bill.

The House sat this Afternoon, but did nothing, save settling particular Sums of Money on the Chaplain, Serjeant, and other Officers, attending on them during the Session. They also ordered fifty Pounds to be given to Mr. *John Ogilby*, for a Present he had made the House of his Bible, just then printed.

In this Giving Humour the House ordered 10,000*l.* for the Service of the Duke of *York*, at the ensuing Coronation, and the like Sum for the Use of the Queen of *Bohemia*. All which several Sums they charged on the Arrears of the Excise; which Bill they also passed this Day, and sent it up to the Lords, with this Order, That the Clerk do prepare, and bring in To-morrow Morning, a List of all the Sums charged on the Excise, by Orders of the present Parliament.

There are four Petitions, entered in the *Lords Journals*, from four great Peers, to the King, each laying Claim to the Office of Lord Great-Chamberlain of *England*, and the Earldom of *Oxford*. They were all referred by the King, and read in that House; but as the Time of their Dissolution was so very nigh, the Lords would not enter into their Merits, but left them to be decided by the next Parliament. However,

ever, some Things appearing very curious in the Pedigrees of these Noblemen, in their Petitions, we shall give them, at Length, from the above Authority.

An. 12. Car. II.
1660.
December.

To the KING's Most Excellent Majesty,

The HUMBLE PETITION of AWBERY DE VERE,
Earl of OXFORD,

Sheweth,

THAT your Petitioner is lawfully intitled to the Office and Place of Great-Chamberlain of England, with all the Rights and Privileges thereunto belonging.

The Petition of
Awbery de Vere,
Earl of Oxford,
to the King.

That in or about the first Year of the Reign of your Royal Father, a Petition was exhibited to his Majesty against your Petitioner's Father, by the Father of the Earl of *Lindsey* that now is.

In which Petition the Earl of *Lindsey*'s Father claimed both the Earldom of *Oxford* and the Office of Great-Chamberlain of *England*, and the Matter of that Petition was referred by your Majesty's Royal Father, to the Peers then sitting in Parliament, to the End that they, by the Advice of the Judges assistant, might certify their Opinions to his Majesty.

That upon the Reference, the Right of your Petitioner's Father to the Earldom was certified to be clear, and that without one dissenting Voice.

But, as to his Right to the Office of Great-Chamberlain, there was an equal Difference of Opinions; for some Time the Lord Chief Baron *Walter*, and the Lord Chief Justice *Crew*, being fully satisfied that the Right was in your Petitioner's Father, though Justice *Doddridge* and Justice *Yelverton* were of another Mind, untill at last, by the Casting Voice of Baron *Trevor*, who came in at the End of the Debate, as your Petitioner hath been inform'd, the Opinions were three against two, and thereupon their Lordships were induced to advise his late Majesty to confer the said Office on the Earl of *Lindsey*. Ever since which Time the Office of Great-Chamberlain hath been held

by

An. 12. Car. II.
1660.

December,

‘ by the said Earl of *Lindsey*, and his Son *Montagu*
 ‘ Earl of *Lindsey*, who claimeth it as his Inheri-
 ‘ tance.

‘ Now forasmuch as the Right of your Petitioner
 ‘ stands prejudiced by that single Opinion only, and
 ‘ that the Weight of this Case may well deserve a
 ‘ more full and clear Determination, your Petition-
 ‘ er humbly prayeth, That your Majesty would be
 ‘ graciously pleased to appoint the Case, concerning
 ‘ the said Office of Great-Chamberlain of *England*,
 ‘ to be heard by the Peers now sitting in Parliament;
 ‘ and that they, with the Assistance of the Judges,
 ‘ may re-examine your Petitioner’s Title to the said
 ‘ Office. That so, your Majesty being fully inform’d,
 ‘ Right may be done to your Petitioner in the Pre-
 ‘ mises; and that the said *Montagu*, now Earl of
 ‘ *Lindsey*, may shew what Right and Title he hath
 ‘ unto the said Office and Chamberlainship, and
 ‘ make Answer to the Premises.

*And your Petitioner shall ever pray for your Maje-
 sty’s long and happy Reign.*

O X F O R D.

At the Court at *Whitehall*, December 26, 1660.

*HIS Majesty is graciously pleased to refer this Pe-
 tition to the Peers sitting in Parliament, to hear
 the Petitioner and the Earl of Lindsey, concerning the
 Office of Lord Great-Chamberlain, and to do therein
 according to Justice and Honour.*

EDWARD NICHOLAS.

The same Order was annexed to the three follow-
 ing Petitions.

To the KING’s Most Excellent Majesty,

*The HUMBLE PETITION of THOMAS WINDSOR,
 Lord WINDSOR,*

Sheweth,

Of Thomas Lord
Windsor.

‘ THAT *John*, the sixth Earl of *Oxford* of that
 ‘ Name, Lord *Bulbeck*, *Sandford*, and *Badlesmere*,
 ‘ deceased, was seized of the Office of Great-Cham-
 ‘ berlain of *England*, with the Rights and Privileges
 ‘ there-

‘ thereunto belonging, of Fee and Right. And the
 ‘ said late Earl being so seized thereof, died seized,
 ‘ about the 4th of Queen *Elizabeth*, leaving Issue
 ‘ *Catherine*, his only Daughter and Heir, by *Doro-*
 ‘ *thy*, Daughter of the Earl of *Westmoreland*, his only
 ‘ lawful Wife, who was married to *Edward* Lord
 ‘ *Windsor*, Great Grandfather of your Petitioner, to
 ‘ whom the Petitioner is the undoubted Heir, where-
 ‘ by the said Office doth belong of Right to your Pe-
 ‘ titioner.

An. 12. Car. II.
 1660.
 December.

‘ Yet now, so it may please your Most Sacred Ma-
 ‘ jesty, that *Montagu* Earl of *Lindsey* hath possessed
 ‘ himself of the said Office, to the apparent Wrong
 ‘ of your Petitioner.

‘ The Petitioner therefore humbly prays, That
 ‘ your Majesty will be graciously pleased to refer the
 ‘ Hearing and Determination of the Petitioner’s said
 ‘ Title, to the Right Honourable the Peers assembled
 ‘ in Parliament, with the Assistance and Advice of
 ‘ the Reverend Judges; and that the said *Montagu*
 ‘ Earl of *Lindsey* may be summoned by their Lord-
 ‘ ships to answer the Premises; and that the said
 ‘ Office may be declared, as of Right it doth be-
 ‘ long, to your Petitioner and his Heirs; and that
 ‘ the said *Montagu* Earl of *Lindsey* may be suspended
 ‘ from the Execution thereof, and your Petitioner
 ‘ admitted thereunto,

*And your Petitioner, as in Duty bound, shall daily
 pray, &c.*

THO. WINDSOR.

To the KING’s Most Excellent Majesty,

The HUMBLE PETITION of CHARLES STANLEY,
 Earl of DERBY.

Humbly sheweth,

‘ **T**HAT *Edward Vere*, late Earl of *Oxford*, And of *Charles*
 ‘ and Lord High-Chamberlain of *England*, Earl of *Derby*, to
 ‘ had Issue only one Son, *Henry*, and three Daugh- the same.
 ‘ ters, viz. *Elizabeth*, *Bridget*, and *Susan*, and died
 ‘ An. Dom. 1604; after whose Death his Son was
 ‘ Earl of *Oxford*, and Lord High-Chamberlain, and
 ‘ died

An. 12. Car. 11.
1660.

December.

died some Years ago without Issue; by and since
 whose Death the said Office of Lord High-Cham-
 berlain ought to descend and come unto your Pe-
 titioner, he being Grandson and Heir of *Elizabeth*,
 the eldest Sister of the said *Henry*: And therefore
 your Petitioner humbly prayeth, That your Ma-
 jesty would vouchsafe to direct that he may enjoy
 the said Office accordingly,

And your Petitioner will ever pray, &c.

D E R B Y.

To the KING's Most Excellent Majesty,

*The HUMBLE PETITION of MONTAGU BERTIE,
 Earl of LINDSEY, Lord Great-Chamberlain of
 England,*

Sheweth,

The Earl of
Lindsey's Peti-
 tion to the King.

THAT upon the respective Claims of *Robert*
 Lord *Willoughby of Eresby*, (afterwards Earl
 of *Lindsey*) the Petitioner's Father, and of *Robert*
de Vere, Esq; to the Office of Great-Chamberlain
 of *England*, and to the Title and Dignity of the
 Earldom of *Oxford*, your Majesty's late Father,
 of ever blessed Memory, was graciously pleased, in
 or about the 5th Year of his Reign, to refer the
 Consideration of their several Pretences to the said
 Office and Earldom of *Oxford*, to the House of
 Peers then sitting in Parliament; who, upon Ad-
 vice with the Reverend Judges, did then certify
 his late Majesty, That the Office of Great-Cham-
 berlain did appertain to the Petitioner's Father
 and his Heirs; and in regard your Petitioner's
 Father was not then fully acquainted with such
 Records and Proofs, (which, if shewn, might have
 manifested to their Lordships his Right to the said
 Earldom of *Oxford*, and which the Petitioner is
 now ready to produce) the said Peers did also cer-
 tify the said Earldom did belong to the said *Robert*
de Vere; by Virtue whereof Sir *Aubrey de Vere*,
 Knight of the Most Noble Order of the Garter,
 Son of the said *Robert*, doth now claim and enjoy
 the

the said Earldom of *Oxford*, to the great Wrong An. 12. Car. II.
of your Suppliant. 1663

December.

May it therefore please your Sacred Majesty to be graciously pleased to refer the Re-hearing of the Petitioner's Right to the said Earldom of *Oxford*, to the Most Noble Peers now assembled in Parliament, that if it shall appear to them just to re-examine the former Proceedings, they may proceed therein in such Manner as to their Lordships shall seem to stand with Honour and Justice, and to certify your Majesty their Opinions thereupon: And that the said Sir *Aubrey de Vere* may be summoned to answer the Premises, and that he may shew what Right and Title he hath to the Earldom of *Oxford*.

And your Petitioner shall ever pray for your Majesty's long and happy Reign.

LINDSEY.

December 28. Sir *Thomas Bludworth* reported the Bill for a Two-Months Tax on the City of *London*, for raising 35,000 *l.* for Trophies, &c. Lord *Falkland*, Col. *Shapcot*, and Mr. *Young* spoke against this Bill, urging the Backwardness of the City for lending Money. Sir *Thomas Bludworth* and Capt. *Titus* justified the City. The Question being put, Whether the Bill should be committed, the House divided into Yeas 92, Noes 104. The next Debate was for engrossing the Bill; which was ordered without a Division.

A Bill for one Month's Assessment, for raising 70,000 *l.* for a further Supply to his Majesty, and to enable him the better to defray the Expences of his Coronation, was read a third Time and passed.

The Lords sent down to the Commons the Bill for a Review of the Poll Bill, with Amendments; to some of which they agreed, but to others adhered; on which a Conference was held between them; the Result of which will appear in the Proceedings of the next Day.

A

* The Office of Lord Great-Chamberlain of *England* was adjudged to belong to the *Bertie* Family, and that of the Earldom of *Oxford* to the *Veres*.

76 The Parliamentary HISTORY

An. 12. Car. II.
1660.
December.

A Letter from the Commissioners of Excise to the Clerk of the House was read, containing an Account of what Monies had been charged upon the Excise by Parliament, viz.

An Account of
what Donations
of Parliament
were charged on
the Excise.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To his Highness the Duke of York, or his Assigns, in full of 10,000 <i>l.</i> together with Interest	2157	2	11
To the Executors of his late Highness Henry Duke of Gloucester, together with Interest	7000	0	0
To * Denham, Esq; his Majesty's Surveyor, together with Interest; which Sum was advanced by Alderman Ed. Backwell	5000	0	0
To the Executors of her late Highness the Princess Royal, together with Interest, being advanced by Alderman Ed. Backwell	10000	0	0
To the Queen of Bohemia, together with Interest, being advanced by Alderman Ed. Backwell	10000	0	0
To her Highness the Princess Henrietta Maria, with Interest	10000	0	0
To Sir Thomas Viner, for the distressed Protestants of Piedmont and Poland, the Remainder of 7978 <i>l.</i> 8 <i>s.</i> 9 <i>d.</i> the Sum of	5978	8	9
To Henry Pecke, Esq; ———	3443	12	5½
To Sir Thomas Dacres, Knt. —	250	0	0
To Col. Anthony Buller ———	3436	16	10
To Rowland Langhorne, Esq; —	3000	0	0
To Tho. Lodington, being advanced by Ald. Ed. Backwell	3450	0	0
To Henry Symball ———	1387	18	10
To William Allott and Robert Swayle, by Bills of Exchange, drawn by Sir Robert Honeywood, together with Interest	2200	0	0
To Col. John Strettor and John Macocke, Printers	528	13	3
To Francis Windham, Esq; —	1000	0	0

To

	<i>l.</i>	<i>s.</i>	<i>d.</i>	An. 12. Car. II. 1660. December.
To Mr. <i>William Ashby</i> , Treasurer for the Hospitals of the <i>Savoy</i> and <i>Ely-House</i> }	1400	0	0	
To Mrs. <i>Dorothy Seymour</i> ———	357	1	0	
To Sir <i>Edward Massey</i> , Knt. —	3000	0	0	
To <i>Sylas Titus</i> , Esq; ———	3000	0	0	
To Mrs. <i>Jane Lane</i> ———	1000	0	0	
To his Highness the Duke of <i>York</i>	10000	0	0	
To the Queen of <i>Bohemia</i> ———	10000	0	0	
To <i>Denzil Holles</i> , Esq; Sir <i>William Lewis</i> , Knt. and <i>Thomas Powey</i> , Esq; or their Assigns, for the Use of the Children of <i>Henry Elsing</i> , Esq; deceased † }	500	0	0	
To Col. <i>Edw. Harley</i> , Governor of <i>Dunkirk</i> , the Remainder of 8400 <i>l.</i> for the Use of that Garrison }	7200	0	0	

To the several Persons to whom any Sums of Money shall appear to be due, for the Quartering, Cure, and Attendance of sick and wounded Seamen and Soldiers, sent from aboard his Majesty's Ships, or from his Majesty's Garrisons in *Flanders*, to *Dover*, *Harwich*, or other Port-Towns of this Kingdom, such several and respective Sums as shall be stated and certified by the Auditors to whom the stating of Accounts of that Nature is referred, to have incurred and become due from and after the 1st of *June*, 1658, and to or before the 14th of *March*, 1658.

‘Resolved, That the Sums, mentioned in the said List, be charged on the Arrears of Excise, in Course, and inserted into the Bill for levying the said Arrears.’

December 29. The Lord *Valentia* reported the Effect of a Conference, had the Night before with the Lords, upon their Amendments to the Bill for supplying the Defects of the Poll Bill.

‘That their Lordships delivered their former Proviso, with some Alteration; being, with the Alteration, as followeth:

Pro-

An. 12. Car. II.

1660.

December.

‘ Provided always, and be it enacted, That this Act, or any thing therein contained, shall not extend to any Peer of this Realm, in point of Assessment, Imprisonment, Distress, or otherwise; Provision being made, in the said first recited Act, for the assessing of the said Peers, by certain Peers who are therein named and appointed in that Behalf. And be it further enacted, That the Lord-Chancellor, Lord-Treasurer, the Lord-Steward of his Majesty’s Household, Lord-Chamberlain of his Majesty’s Household, the Earl of *Northampton*, Lord *Howard* of *Charlton*, the Lord *Roberts*, the Lord *Grey* of *Warke*, the Lord *Craven*, the Lord *Mobun*, and the Lord *Hatton*, be added to the Peers named in the said first recited Act for the assessing of the Peers, according to the said recited Act.’

‘ And so these Words were struck out by the Lords from the Proviso, as it first came down, viz.

* * * * *

‘ The Committee insisting upon it, that there was no Obligation on the Lords Commissioners for the Peers to assess the Peers, they returned into their House; and, after, delivered an Addition to the said Proviso, in Paper, as followeth:

‘ Which said Lords Commissioners, or any five of them, in this and the former Act named, shall have Power to assess, levy, and collect, all such Sums of Money as shall be assessed, according to the Tenor of this and the former Act, upon such Peers who have not paid proportionably to their Estates.’

‘ So, with that Addition, they adhered as formerly; expressing themselves sorry, that there having been hitherto so good a Correspondence betwixt the Houses, they should be now suspected in this House; taking Notice, that, in the late Times of Misery, they suffered as much as any, and hope nothing shall be done to the Prejudice of their Privileges, adding, that they hope they shall be ready to strain themselves as far as this House.’

After this Report a great Debate ensued.

Mr.

Mr. *Boscawen* produced a Book, where, in the Beginning of the Long Parliament, this Proposal of the Lords was refused, as being against all Order; for none but the Commons can impose a Tax for Money. He was seconded by Mr. *Young*, who affirmed, That, by the last Poll Bill, the Lords were assessed by the ordinary Commissioners. Lord *Valentia* said, Divers Lords had not yet paid; but, thro' the Straitness of Time, he thought it best to agree with them. Sir *John Glyn* told the House, They could not justify the taxing the Commons, and taking no Care that the Lords should pay too; tho' he was not much averse, and would agree with them rather than hinder the Bill. Sir *Heneage Finch* said, That the gaining their Point on the Lords by adhering, would not counterpoise the Loss of the Bill, which must inevitably follow; that they might very well take the Lords Words, for this Time, that they will pay; besides, the Displeasure and Loss which, in the End, would redound to the King. He therefore moved to agree, because the Advantage by the Bill would be 150,000*l.* and the Money to be raised would not be above 7000*l.* Sir *Edward Turner* said, It was not a Time to dispute then; but moved to agree. Mr. *Prynne*, That the Lords had paid for several Years, by the Assessment of the Commons; but moved to agree for that Time, and leave the Dispute to another Parliament. Mr. *Bamfield*, not to agree, the Desire of the Lords being so unreasonable; that there were thirty-six Lords who had not paid to the Tax, and therefore he was for adhering, saying, The Lords did it out of Incogitancy, using that Word several Times, says the Manuscript; and to which Sir *Francis Cornwallis*, Treasurer of the Household, answered, That if they did not agree, they would be *incogitant* of the King. At last it was agreed to allow the Proviso and the other Amendments to the Bill.

An. 12. Car. II.
1660.
December.

Debate on the
Lords Privilege
to tax them-
selves.

The Peers seem to be very tenacious and jealous of their Privileges, by another Instance which happened this Day: They sent down a Bill to the Commons,

An. 12. Car. II. mons, for raising 70,000 *l.* for the King's Use, with the following Proviso tack'd to it, *viz.*

1660.

December.

‘ Provided always, That this Act, nor any thing therein contained, shall be drawn into Example, to the Prejudice of the antient Rights belonging to the Peers of this Realm.’ Which, upon the Question, was also agreed to.

The Bill for Wine Licences passed both Houses.

Mr. *Stevens* moved to re-assume the Debate on Yesterday about the Arrears of the Excise. Sir *Heneage Finch*, against it, saying, It was the King's Money, and he saw no Reason why his Majesty should pass such a Bill extemporary, and without considering of it first; therefore moved to let it alone.

Sir *William Lewis* moved for the poor Captives at *Algiers*. Sir *John Masham*, to expiate the House from the Guilt of Sacrilege; he said, The Hangings of the House were taken out of the Church of *St. Paul's*; and moved rather to sit with bare Walls than to adorn themselves with the Spoils of Churches, which he would have restored. Lord *Valentia* said, in Reply, That divers had been *hang'd* already for it; and moved to go on with other Business, particularly to charge the City Money also on the Arrears of the Excise.

Several other Motions were made of no great Account, as particularly one concerning the Payment of some Arrears due to Col. *Lockhart*, when Governor of *Dunkirk*.

Mr. *Knight*, against it. Sir *Thomas Clarges*, for it. Sir *Robert Harley* said, That *Lockhart* did not deserve any Consideration, for he kept a Troop of Horse to surprize the King with, and was an active Man for *Oliver*: And added, That if the House had Time to examine the Business, he would be found in Debt. Captain *Titus* said, There was not a verier Villain upon Earth than *Lockhart*; that he reported a Lye against the King, by saying he was turned Papist; and wished, with all his Heart, the Act of Oblivion had not acquitted him from his just Desert; that he was not true to those very Villains he had served, and he thought him now a secret Plotter, as Sir
Robert

Robert Harley had observed; and moved to give him An. 12. Car. II. 1660. nothing; which the House agreed to.

Several more Motions were made in the House of Commons this Day, for Money to be paid to different Persons, for Debts, Charities, &c. some of which were taken and others rejected, as may be seen in the *Journals*, but are unnecessary here; till at last, the Time of the King's coming to the House of Lords drawing near, Mr. Palmer moved to send to the Lords to acquaint them, That the Painted-Chamber and Court of Requests were so full of Strangers, that it was impossible for the House to come up to the King; upon which the Serjeant was sent away with the Message.

December.

After this the Commons re-assumed, once more, The King comes to the House of Lords to dissolve the Parliament the Bill on the Arrears of Excise, and had proceeded in the Debate so far as to order the Blanks in the Bill to be filled up; when the Usher of the Black Rod came to the Door, and the House being informed of it, the Speaker, with the rest of the Members, being come into the House of Peers, and his Majesty seating himself on the Throne, the Speaker addressed himself to him as follows:

Most Gracious and Dread Sovereign,

THE Knights, Citizens, and Burgeesses, now The Speaker of the House of Commons' Speech to him assembled in Parliament, being the Representative Body of your Commons of *England*, are, as Conduit-Pipes, or Quills, to convey the Streams of your People's dutiful Affections and humble Desires into your Royal Presence; and that being done, they need no other Speaker but yourself, for they know your Skill, and have had Experience of your Will: And yet, Royal Sir, though they have no Cause to complain, they cannot but take Notice of your Partiality; for when any Thing in Point of Right, or but Conveniency, hath fallen out to be, as we use to say, a Measuring Cast, a disputable Case, between yourself and your People, without any Regard or Respect had to your own Right, or the Advantage that might accrue to yourself by asserting the same, if the Good of your People hath come in

AN. 12. CAR. II.

1660.

December.

Competition with it, you have always cast it against yourself, and given it on your People's Side.

' Royal Sir, Thus to undo yourself to do your People Good, is not to do as you would be done unto; and can we do less than, by a grateful Re-tribution, chearfully to pay your Majesty the just Tribute of our dutiful Obedience unto all your Royal Commands; and, upon all Occasions, ready to sacrifice, *se et sua*, all that we have or enjoy, Lives and Fortunes, in the Service of such an incomparable Sovereign?

' But, Royal Sir, it becomes me to fill your Majesty's Ears with *Aire loquere ut te videam*^a, as the only Rhetoric the People ought to use to such a King of Kindness, and a Prince so full of good Works; and therefore, as I am commanded, I must humbly assure your Majesty that the many healing Expedients propounded by yourself, in your several most gracious Declarations, have been the Subject-Matter upon which your Commons have wrought all this Parliament: And, in the first Place, they took into Consideration the great and growing Charges which then lay upon your People for the Pay of your Army and Navy; and they conceived it necessary to begin with that Part thereof next at Hand, wherein your People would receive the most Ease and the greatest Security and Satisfaction, which was the disbanding your Majesty's Forces by Land, and the paying off twenty-five of your Ships then in the Harbour, and of no Use; and this led them to the Consideration of such Ways and Means as were to be used to raise Money for that Purpose; and that for Poll Money being propounded and passed, some were of Opinion that That alone would have over-done the Work, others having had Experience of a former Bill of the same Nature, and upon the like Occasion, fearing it might not answer Expectation, and being unwilling to be deceived the second Time, especially in such a Business as this, wherein a Mistake was like to prove so penal, moved for a further Supply (which,

after

^a So in our Copy of the *Lords Journals*; but what to make of the first Word, or how to correct it, we know not.

after some Debate, was agreed upon) of a Two-Months Assessment, at 70,000 *l.* per Month; and both have not yet fully done the Work for which they were designed; but with the Help of two other Bills here in my Hand, the one intituled, *An Act for the levying the Arrears of the Twelve-Months Assessment, commencing June 24, 1659, and the Six-Months Assessment, commencing Dec. 25, 1659;* and the other intituled, *An Act for the speedy Provision of Money, for disbanding and paying off the Forces of this Kingdom, both by Land and Sea,* they hope this Account will be fully cleared off at last.

An. 12. Car. II.

1660.

December.

‘Sir, your Commons have likewise taken into their Consideration the Charge of your Summer Fleet; which, besides that Part thereof, your Majesty is pleased to take upon yourself for your ordinary Guard of the Seas, will amount to a very great Sum; and as it is a great Debt, so it is a growing Debt: In a few Months it doubles. There is a Saying, *Qui cito dat bis dat*; I am sure it must be true in this Case, *Qui cito solvit bis solvit*, to pay his Debt readily is the Way to pay but once; and to take Time to pay it is the sure Way to pay it twice; and therefore your Commons laying aside the sad Thoughts of their long Sufferings, and those miserable Devastations and Pressures they have lain under for many Years last past; and looking upon the Necessity of Affairs, which call importunately, and must be answered effectually, hath passed another Bill here in my Hand, intituled, *An Act for six Months Assessment of 70,000 *l.* per Menssem, to begin the first of January, and to be paid in, the one Moiety thereof before the first of February, and the other Moiety, being the remaining Part, by the first of April next ensuing:* Which is to be applied wholly in paying off the Arrears of your Majesty’s Army and Navy.

‘I have three other Bills in my Hand, which have Relation to your Majesty’s Revenue, and are Branches thereof; the one intituled, *An Act for the better ordering the selling of Wines by Retale, and for preventing of Abuses in mingling; corrupting, and vi-*

AN. 12. CAR. II.
1660.
December.

tiating of Wines, and for settling and limiting the Prices of the same: And the Bill is tendered unto your Majesty for preventing all further Disputes touching the Legality thereof, for we know it is your Majesty's Desire, that nothing might be done by any of your Officers or Ministers that act under you, *sine Figura Justitiæ et Warranto Legis*. Another is intituled, *An Act for erecting and establishing a Post-Office:* And this being likewise legally settled, will be of very great Use to all your Majesty's People, and especially your Merchants, for holding Intelligence with their Correspondents, Factors, and Agents, in foreign Parts *Literæ sunt Indices Animi*; and without the speedy Dispatch and Conveyance of their Letters, they will never be able to time their Business, nor carry on their Trade to an equal Advantage with the Merchants of other Countries. The other Bill provides for the Increase of your Majesty's ordinary and constant Revenue, by the Grant of an Impost to be taken upon Ale, Beer, and other Beveridge therein particularly mentioned and expressed, to hold to your Majesty for Life, which God long continue. And as it is the Desire of your Commons that your Majesty might never be necessitated to resort to any extraordinary or unparliamentary Ways and Means, for the raising of Money upon your People, so they likewise acknowledge it to be their Desires to support and uphold, to the utmost of their Powers, the Honour and Grandeur of your Majesty's Royal State and Dignity.

And for a further Evidence of your Commons dutiful Affections to your Majesty's most dear and Royal Person, they have passed another Bill for the raising of 70,000*l.* for your Majesty's further Supply; all which Bills I am commanded humbly to present your Majesty withall, and to pray your gracious Acceptance thereof, and your Royal Assent thereunto.

There are other Bills likewise, of public Concernment, which have passed both Houses, and do now attend upon your Majesty, waiting for your Royal Assent; the one is intituled, *An Act for the Attainder of several Persons guilty of the horrid Murder*

der of his late Sacred Majesty, your Royal Father of An. 12. Car. II.
1660.
ever blessed Memory. There is another Bill, intituled,

An Act for the Confirmation of Leases and Grants from Colleges and Hospitals; this will tend much to the quitting many Men's Estates that in the late unhappy Times were enforced to renew and change their Estates much for the worse, were it not for the Favour your Majesty intends them in this Bill: There is another Bill to prohibit the Exportation of Wooll, Wooll-Fells, Fullers Earth, or any other scouring Earth: Woollen Manufactures, besides the Duties they pay for your Majesty's Customs here at home, have great Impositions laid upon them in foreign Parts where they are vended, in the *Low Countries* 16 or 17 per Cent. and in *Portugal* 20 per Cent, at least; but those who, for their own filthy Lucre Sake, having no Regard or Respect to the Public Good, that steal over the Materials of which those Manufactures are made, pay not one Penny here or there, and by that Means Strangers do make those Manufactures of our Wooll upon such easy Terms, that they can afford, and do undersell your Merchants; which is the Occasion of a double Loss, first, to your Majesty in your Customs, and, in the next Place, to your People, who are thereby disheartened and discouraged; and in a short Time, if not prevented, will be utterly beaten out of that antient native staple Trade, upon which many thousand Families do wholly depend for all their Livelihood and Subsistence.

There is another Bill, intituled, *An Act to prohibit the planting, setting, or sowing of Tobacco in England and Ireland*. This Climate is so cold that it never comes to any Maturity or Perfection; for we find, by Experience, though it be ever so well healed, and made up with the greatest Art and Skill that can be possible, yet it is impossible, after it is made up into the Roll, to keep and preserve it from putrifying above three or four Months at the most; and therefore Physicians, even those that love it best and use it most, conclude, generally, that it is unwholesome for Men's Bodies; besides many other great

An. 12. Car. II.

1660.

December,

Damages and Inconveniences will follow upon it, if it should be permitted, the Abatement of your Majesty's Customs, the Destruction of your Plantations abroad, the Discouragement of Navigation, and so consequently the Decay of Shipping, which are the Walls and Bulwarks of your Majesty's Kingdom.

‘ There is another Bill, intituled, *An Act for taking away the Court of Wards and Liveries, together with Tenures in Capite, Knight's Service, Tenures, and Purveyances.* This Bill, *ex Re Nata*, may properly be called a Bill of Exchange; for as Care is therein taken for the Ease of your People, so the Supply of that Part of your Majesty's Revenue, which formerly came into your Treasury by your Tenures, and for your Purveyances, is thereby likewise fully provided for by the Grant of another Imposition, to be taken upon Ale, Beer, and other Liquors, to hold to your Majesty, your Heirs and Successors for ever; and that they should not look upon the Considerations, mentioned in this Bill, as a full Compensation and Recompence for your Majesty's parting with two such Royal Prerogatives and antient Flowers of the Crown, if more were not implied than is expressed; for, Royal Sir, your Tenures *in Capite* are not only turned into a Tenure of Socage, (tho' that alone will for ever give your Majesty a just Right and Title to the Labour of your Ploughs and the Sweat of our Brows) but they are likewise turned into a Tenure *in Corde*. What your Majesty had before in your Court of Wards, you will be sure to find it hereafter in the Exchequer of your People's Hearts. The King of Spain's Mines will sooner deceive him than this Revenue will fail you, for his Mines have Bottoms; but the deeper your Majesty sinks yourself into the Hearts and Affections of your People, the greater you will find your Wealth to be, and the more invincible your Strength.

‘ Royal Sir, We have nothing more to offer or to ask, but must conclude all our Work this Parliament with an humble and thankful Acknowledgement of God's infinite Goodness and Mercy, in restoring

Restoring your Majesty to your Royal and Imperial An. 12. Car. II.
 Crown, Throne, and Dignity, and for making you 1660.
 the Restorer of that which is dearer unto us than
 our Lives, our Religion; in which, through God's
 Blessing and gracious Assistance, we are resolved to
 live and die: As likewise for restoring us to our
Magna Charta Liberties, having taken the Charge
 and Care of them into your own Heart, which is our
 greatest Security, and more than a thousand Con-
 firmations.

December.

‘Royal Sir, You have denied us nothing we have asked this Parliament; indeed you have out-done your Parliament, by doing much more for us than we could agree amongst ourselves to ask, and therefore must needs be a happy Parliament: This is a healing Parliament, a reconciling Peace-making Parliament, a blessed Parliament; a Parliament *propter Excellentiam*, that may truly be called, *Parliamentissimum Parliamentum*. No Man can say, that hath made the most curious Search into Books and Records, that there ever was such a Parliament as this; and it is our unspeakable Joy and Comfort that no Man can say, so long as your Majesty lives, but we may have such another, for you have set your Royal Heart upon it to do your People Good.

‘And as we have nothing more to say, so we have nothing more to do, but that which will be a-doing as long as we have a Being, the pouring out of our Souls unto Almighty God for your Majesty's long, long, long, and most happy, blessed, glorious, and prosperous Reign over us.’

After which the Speaker presented his Majesty with these public Bills:

1. *An Act for the levying the Arrears of the Twelve-Months Assessment, commencing the 24th of June, 1659, and the Six-Months, commencing the 25th of December, 1659.*

2. *An Act for the further supplying and explaining certain Defects in the Act for the speedy Provision of Money, for disbanding and paying off the Forces of this Kingdom, both by Land and Sea.*

3. *An*

4th Jan. Car. II.
1660.

December.

3. *An Act for granting unto the King's Majesty 420,000 l. by Assessment of 70,000 l. per Menssem, for six Months, for disbanding of the Army and paying off the Navy.*

4. *An Act for erecting and establishing a Post-Office.*

5. *An Act for the better ordering the selling of Wines, and for preventing the Abuses in mingling, corrupting, and vitiating of Wines, and for settling and limiting the Price of the same.*

6. *An Act for raising 70,000 l. for a further Supply to his Majesty.*

These Bills being received from the Speaker by the Clerk of the Parliament, were brought to his Table, and had the Royal Assent given them, with other Bills as followeth. The several Titles were read by the Clerk of the Crown.

1. *An Act for the Attainder of several Persons guilty of the horrid Murder of his late Sacred Majesty King Charles the First.*

2. *An Act for prohibiting the planting, setting, or sowing of Tobacco in England and Ireland.*

3. *An Act for Confirmation of Marriages.*

4. *An Act for Confirmation of College Leases and Grants from Colleges and Hospitals.*

5. *An Act for prohibiting the Exportation of Wooll, Wooll-Fells, Fullers Earth, or any Kind of scouring Earth.*

To these last five Bills the Royal Assent was pronounced by the Clerk of the Parliament, in these Words: *Le Roy le Veult.*

And to twenty-one private Bills.

All these Bills being thus passed, the King was pleased to make the following Speech to both Houses.

My Lords and Gentlemen,

His Majesty's
Speech to both
Houses.

I Will not entertain you with a long Discourse, the Sum of all I have to say to you being but to give you Thanks, and I assure you I find it a very difficult Work to satisfy myself in my own Expressions of those Thanks; perfunctory Thanks, ordinary Thanks, for ordinary Civilities are easily given, but when the
Heart

Heart is as full as mine is, it is a Labour to thank An. 12. Car. II.
you; you have taken great Pains to oblige me, and 1660.
therefore it cannot be easy for me to express the Sense I
have of it. December.

I will enlarge no further on this Occasion than to tell you that, when God brought me hither, I brought with me an extraordinary Affection and Esteem for Parliaments.

I need not tell you how much it is improved by your Carriage towards me; you have out-done all the good and obliging Acts of your Predecessors towards the Crown; and, therefore, you cannot but believe my Heart is exceedingly enlarged with the Acknowledgement.

Many former Parliaments have had particular Denominations from what they have done; they have been stiled learned and unlearned, and sometimes have had worse Epithets; I pray let us all resolve that this be for ever called the healing and blessed Parliament.

As I thank you, though not enough, for what you have done, so I have not the least Doubt, by the Blessing of God, but when I shall call the next Parliament, which I shall do as soon as you can reasonably expect, or desire, I shall receive your Thanks for what I have done since I parted from you, for I deal truly with you. I shall not more propose any one real Good to myself in my Actions and in my Councils than this, What is a Parliament like to think of this Action or this Council? And it shall be for want of Understanding in me, if it will not bear that Test.

I shall conclude with this, which I cannot say too often, nor you too often where you go, That, next to the miraculous Blessing of God Almighty, and, indeed, as an immediate Effect of that Blessing, I do impute the good Disposition and Security we are all in, to the happy Act of Indemnity and Oblivion, which is the principal Corner-Stone that supports this excellent Building, and creates Kindness in us to each other; Confidence being our joint and common Security. You may be sure I will not only observe, religiously and inviolably, myself, but also exact the Observation of it from others; and if any Person should ever have the Boldness to at-
tempt

AN. 12, CAR. II.
1660.

December.

tempt to persuade me to the contrary, he will find such an Acceptation from me as he would have who should persuade me to burn Magna Charta, cancel all the old Laws, and to erect a new Government after my own Invention and Appetite.

There are many other Particulars which I will not trust my own Memory with, but will require the Chancellor to say the rest to you.

After his Majesty had done, the Lord-Chancellor came from his Place and kneel'd down close by his Majesty's Chair, and received his Majesty's Directions what to say further; and being returned to his Place, he said as followeth:

My Lords, and you the Knights, Citizens, and Burgeses of the House of Commons,

The Lord Chancellor's Speech to both Houses.

THERE cannot be a greater Manifestation of an excellent Temper and Harmony of Affections throughout the Nation, than that the King and his two Houses of Parliament meet with the same Affections and Chearfulness, the same Alacrity in their Countenance, at the Dissolution, as when they met at the Convention of Parliament. It is an unquestionable Evidence that they are exceedingly satisfied in what they have done towards each other, that they have very well done all the Business they came about; this is now your Case, you have so well satisfied your own Consciences, that you are sure you have satisfied the King's Expectation and his Hope, and the Desire and Wishes of the Country.

It was very justly observed, by you Mr. Speaker, that you have never asked any one Thing of the King which he hath not (with all imaginable Chearfulness) granted; in Truth, his Majesty doth, with great Comfort, acknowledge that you have been so far from denying him any Thing he hath asked, that he hath scarce wished any Thing that you have not granted; and it is no Wonder that, having so fully complied with your Obligations, and having so well composed the Minds of the Nation, you are

are willing to be relieved from this extraordinary An. 12. Car. II.
Fatigue you have submitted so long to, and to return 1660.
to the Consideration of your own particular Affairs,
which you have so long sacrificed to the Public;
and this reasonable Wish and Desire hath brought
the King to comply with you, and, which nothing
else could do, to part with you with an equal Cheer-
fulness; and he makes no Doubt but all succeeding
Parliaments will pay you their Thanks for all you
have done, and look upon your Actions and your
Example with all possible Approbation and Reve-
rence.

December.

‘ The King and you have given such Earnest to
one another of your mutual Affection; you have been
so exact and punctual in your Proceedings towards
each other, that you have made no Promise, no
Profession to each other, of making good, to the per-
forming of which the World is not Witness. You
declared at the Adjournment, in *September* last, your
Resolution to settle a noble Revenue on the Crown;
you have done it with all the Circumstances of Affec-
tion and Prudence: The King promised you to esta-
blish a Council of Trade, a Council for the foreign
Plantations, a Commission for composing all Diffe-
rences upon Sales; all this he did before your coming
together, and with very good Effect, and you shall
hear that the Proceedings in every one of them are
more vigorous and effectual after your Dissolution.
His Majesty then promised you that he will give up
all his Endeavours to compose the unhappy Diffe-
rences in Matters of Religion, and to restore the
languishing Church to Peace and Order: *Constan-*
tine himself spent so much of his own Time in pri-
vate and public Conferences; to that Purpose his
Majesty, in private, conferred with the learned Men,
and heard all that could be said upon several Opi-
nions and Interests apart; and that, in the Pre-
sence of both Parties, himself moderating in the De-
bates; and less Care, and Diligence, and Authority
would not have done that Work; and God hath so
blessed his Labour, and made his Determination in
that Affair so generally agreeable, that he hath re-
ceived

An. 22. Car. II.
1660.

December.

ceived Thanks from his Houses of Parliament; that is, from the whole Kingdom: If, after all this, his Majesty doth not reap the full Harvest he expected from those Condescensions; if some Men, by their Writing and their Preaching, endeavour to continue those Breaches, and very rashly, and I think unconscientiously, keep up the Distinctions, and publickly justify and maintain what hath heretofore been done amiss, and for which the Act of Indemnity was the best Defence, I shall say no more than that I hope their Want of Modesty and Obedience will cause them to be disclaimed by all pious and peaceable Men; who cannot but be well contented to see them reduced by Laws, to the Obedience they owe to Law: And his Majesty is confident that this his beloved City, towards which his Heart is so gracious and so full of princely Designs to improve their Honour, their Wealth, and their Beauty, will discountenance all these seditious Designs; and, by returning and fixing themselves upon their good old Foundations, make themselves the great Example of Piety, of Loyalty, and of hearty Affection to the whole Kingdom.

‘ This Discourse puts me in Mind to say to you, that tho’ the King wonders much more at the many great Things you have done than that you left any thing undone, yet he could have wished, and would have been glad, that your other weighty Affairs had given you Time to have published your Opinion and Advice in the Business of the Militia; that the People, after so many Disputes upon that Argument, might have discerned that the King and his two Houses of Parliament are as much in the same Mind in that as in all other Things, as no doubt they are; but since that could not be done, you may all assure yourselves that the King will proceed therein with all imaginable Care and Circumspection, for the Ease, Quiet, and Security of his People; and as he did before the last Recess, by the unanimous Advice of his Privy Council, issue out his Commission of Lieutenancy for the settling the Militia in the several Counties, to prevent any

Dis-

Disorders which many apprehended might arise upon the disbanding the Army, so he will now again recommend it to themselves to put it in such a Posture, as may disappoint any seditious Designs which are now on Foot; and there cannot be too much Circumspection and Vigilance to frustrate those Designs.

AN. 12. CAR. II.
1660.

December.

‘ You have heard of many suspected and dangerous Persons which have lately been clapt up; and it was high Time to look about. His Majesty hath spent many Hours himself in the Examination of this Business, and some of the principal Officers, who, before they came to his Majesty’s Presence, could not be brought to acknowledge any thing, after the King himself had spoken to them, confessed that their Spirits were insensibly prevailed upon and subdued, and that it was not in their Power to conceal their Guilt from him: They have confessed that there is a Party of the late disbanded Officers and Soldiers, and others, full of Discontent and seditious Purposes, and a Resolution to attempt the Change of the present Government, and to erect the Republic: They acknowledge that they did purpose to have made their Attempt for the Rescue of those Wretches who were so justly condemned at *Newgate*, and so worthily executed, and that *Ludlow* should have then appeared at the Head of them; that they made themselves sure at the same Time, by Parties and Confederacy, to have surprized the Tower of *London* and the Castle of *Windsor*, but that they found, or at least apprehended, that their Design was discovered; which so broke their Spirits, that they concluded they must acquiesce for the present, and stay till the Army should be disbanded; which, they said, was generally debauched; that is, returned to an honest and fast Obedience to the King; and that it is evident they were betrayed by those who were most intirely trusted by them, and they were in the Right. The King had Notice of all their Designs, what Progress they made, and the Night they intended to surprize the *Tower* and *Windsor*, and gave Notice to the several Governors; and so, without any Noise,

An. 13. Car. II.
1660.

December.

Noise, that Mischief was, by God's Goodness, prevented. They acknowledge that they have since recovered their Courage and Resolution, and were about this Time to make their full Attempt. They have been promised some considerable Rising in the West under *Ludlow*, and in the North under others; but this Place was the Scene of greatest Hopes; they made sure of a Body here, I think they say of two thousand five hundred Men, with which they resolved, in the first Place, to secure (you know what that Security is) the Person of the General the Duke of *Albemarle*, with whom they have so much Reason to be angry, and at the same Time to possess themselves of *Whitehall*: You know the Method used in such Possession, kill and take Possession. And this insupportable Calamity God hath again diverted from us; though I must tell you the poor Men, who seem to speak honestly, and upon the Impulsion of Conscience, are very far from being confident that there will not be some desperate Insurrection and Attempts in several Parts of this Kingdom, within a short Time, which all possible Care will be taken to prevent; and, in Truth, this very good City so well requires the King's abundant Grace and Kindness to it, that not only by the unwearied Pains and Diligence of the worthy Lord Mayor, but by the general Temper and Constitution of the whole City, the discontented and seditious Party (which can never be totally extirpated out of such a Metropolis) is like to have little Encouragement to pursue their desperate Councils.

'The King doth not believe that all those Persons, who, at present, are apprehended and in Custody, will be found guilty of this Treason; it is a vulgar and known Artifice to corrupt inferior Persons, by persuading them that better Men are engaged in the same Enterprize, and the King will make as much Haste as he can to set those at Liberty, against whom the Evidence or Suspicion is not too treasonable. In the mean Time, they who, in Truth, are innocent, must confess, that the Proceedings towards them hath been very natural and full

full

full of Clemency; and no Man will wonder if his Majesty be very desirous that, in this Conjunction, and in order to prevent or suppress these two visible Distempers and Machinations, his Majesty in all Places be in good Order and Preparation; and you may assure yourselves that, in the Forming and Conduct of it, he will have so great a Care for the Ease and Quiet of his People, that if any Person trusted by him shall, through Want of Skill or Want of Temper, satisfy his own Passion, or Appetite, in grieving or vexing his Neighbours, his Majesty will be so sensible of it, that, if it can be cured no other Way, his Trust shall be quickly determined: And he is not at all reserved in giving those Animadversions and Reprehensions when there is Occasion, and his Ears will be always open to receive those Complaints.

Ann. 12. Car. II.
1660.
December.

‘ My Lords and Gentlemen, You are now returning to your Countries, to receive the Thanks and Acknowledgements of your Friends and Neighbours for the great Things you have done; and to make the Burden you have laid upon them easy, by convincing them of the inevitable Necessity of their submitting to them. You will make them see that you have proceeded very far towards the Separation, and even Divorce, of that Necessity from them, to which they have been so long married; that they are now restored to that blessed Temper of Government, under which their Ancestors enjoyed, so many hundred Years, that full Measure of Felicity; and the Misery of being deprived of which they have so sensibly felt; that they are now free from those Midnight Alarms with which they have been so terrified, and rise off their Beds, at their own healthy Houses, without being saluted with the Death of a Husband, a Son, and Friend, miserably killed the Night or Day before, and with such Circumstances killed, as improved the Misery beyond the Loss itself. This Infranchisement is worth all they pay for it. Your Lordships will easily recover that Estimation and Reverence that is due to your high Condition, by the Exercise and Practice of that Virtue from whence
your

An. 12. Car. II.

1660.

December.

your Honours first sprang; the Example of your Justice and Piety will inflame the Hearts of the People towards you, and from your Practice they will make a Judgment of the King himself. They know very well that you are not only admitted to his Presence, but to his Conversation, and even in a Degree to his Friendship, for you are his great Council; by your Example they will form their own Manners, and by yours they will make a Guess at the King's; therefore, under that Obligation, you will cause your Piety, your Justice, your Affability, and your Charity, to shine as bright as is possible before them. They are too much in Love with *England*, too partial to it, who believe it the best Country in the World; there is a better Earth, and a better Air, and better, that is a warmer, Sun in other Countries; but we are no more than just when we say, That *England* is an Inclosure of the best People in the World, when they are well informed and instructed; a People, in Sobriety of Conscience, the most devoted to God Almighty; in the Integrity of their Affections, the most dutiful to the King; in their good Manners and Inclinations, most regardful and loving to the Nobility; no Nobility in *Europe* so intirely beloved by the People; there may be more Awe, and Fear, and Terror of them, but no such Respect towards them as in *England*. I beseech your Lordships do not undervalue this Love; they have look'd upon your Lordships, and they will look upon your Lordships again, as the greatest Example and Patron of Duty; to the King, as their greatest Security and Protection from Injury and Injustice, and for their enjoying whatsoever is due to them by the Law; and as the most proper Mediators and Interposers to the King, if, by any Failure of Justice, they should be exposed to any Oppression and Violence; and this Exercise of your Justice and Kindness towards them will make them the more abhor and abominate that Party upon which a Commonwealth must be founded, because it would extirpate, or suppress, or deprive them of their beloved Nobility, which are such a Support and Security to their full Happiness.

An

‘ And you Gentlemen of the House of Commons, An. 12. Car. II.
 who are now returning to your Country, laden with
 a Trust not inferior or less weighty than that you
 brought from thence : You came up their Deputies
 to the King, and he returns you now his Deputies to
 them ; his Plenipotentiaries to inform and assure them,
 that he thinks himself the happiest and greatest
 Prince in the World, not from the Situation of his
 Dominions, and the Power of his great Navy, with
 which he can visit his Neighbours, and keep them
 from visiting him ; or from the noble Revenue you
 have settled upon him, which he will improve with all
 good Husbandry ; but being possessed of the Affec-
 tions and Hearts of such Subjects, that he doth so
 intirely love them and depend upon them, that all
 his Actions and all his Councils shall tend to no
 other End but to make them happy and prosperous ;
 that he thinks his Honour and his Interest principally
 to consist in providing for, and advancing the Honour
 and Interest of, the Nation.

1660.
 December,

‘ That you may have the more Credit in what
 you say, he will not take it unkindly if you publish
 his Defects and Infirmities ; you may tell them that
 he is so confident in the Multitude of his very good
 and faithful Subjects, that he is very hard to be per-
 suaded that his few ill and unfaithful Subjects can
 do him much Harm ; that he so much depends on
 the Affections of honest Men, and their Zeal for his
 Security, that he is not so solicitous and vigilant for
 his own Safety as he ought to be, amidst so many
 Combinations of which he is so well informed, that
 his Servants, who with Grief and Anguish impor-
 tune him not to take so little Care of his own Safety,
 can obtain no other Answer from him, than what
Cæsar heretofore gave to his zealous Friends, *Mori
 me malle quam timere* : He will die any Death rather
 than live in Fear of his own Subjects, or that they
 should be in Fear of him. You may tell them, as a
 great Infirmary, that a troubled and discontented
 Countenance so afflicts him, that he would remove
 it from them at his own Charge, as if he himself
 were in the Fault : And when he hath been informed

Ap. 12. Car. II.
1660.
December.

of any less Kind or jealous Thing said amongst you, (as your Windows are never so close shut, but that the Sound of your Words goes to the several Corners of the Town) his Majesty hath been heard to say no more but, *What have I done? I wish that Gentleman and I were acquainted, that he knew me better.* Oh! Gentlemen, you cannot be yourselves, nor you cannot make yourselves too zealous or too jealous for such a Prince's Safety, or too solicitous for such a Prince's Satisfaction and Content, to whom we may very justly say, as the King of Tyre writ to Solomon, *Because God hath loved his People, he hath made thee King over them:* Even his own Defects and Infirmities are very necessary towards the full Measure of your Prosperity.

My Lords and Gentlemen, God hath enabled us to invert one Argument, which I hope may, to a good Degree, repair the much Mischief it hath heretofore done: It hath been urged very unreasonably, yet successfully urged, in the worst Times, that it was not Faith, but Presumption, to expect that God would restore a Family, with which he seem'd to have a Controversy, and hath humbled so far; that he would countenance a Party that he had so much discountenanced, and almost destroyed. We may here much more reasonably, and therefore, I hope, as effectually, press the Miracles that God Almighty hath lately wrought for King and People, as an Evidence that he will not again easily forsake them. We may tell those who are using all their Endeavours to embroil the Nation in new Troubles, that it is not probable that a Nation, against which God hath seemed, these late Years, to have pronounced his Judgments in the very Language of the Prophets, *Go ye swift Messengers to a Nation scattered and peeled; to a People terrible from the Beginning hitherto; to a Nation rooted out and trodden down, whose Lands the Rivers have spoiled; the Lord hath mingled a perverse Spirit in the Midst thereof;* that he should reduce that Perverseness to the greatest Meekness and Resignation; that he should withdraw his Judgment from this Nation, and, in a

Mo-

Moment, restore it to all the Happiness it can wish, and to no other End but to expose it to the Mercy and Fury of a few discontented Persons, the worst of the Nation, is not easy to be believed.

An. 12. Car. II.
1660.
December,

‘ We may tell those who still contrive the Ruin of the Church, (the best and best Reformed Church in the Christian World, reformed by that Authority, and with those Circumstances, as a Reformation ought to be made) that God would not so miraculously have snatched this Church as a Brand out of the Fire; would not have raised it from the Grave after he had suffered it to be buried so many Years, by the boisterous Hands of profane and sacriligious Persons, under its own Rubbish, to expose it again to the same Rapine, Reproach, and Impiety. That Church which delights itself in being called Catholic, was never so near Expiration, never had such a Resurrection. That so small a Pittance of Meal and Oil should be sufficient to preserve and nourish the poor Widow and her Family so long, is very little more miraculous than that such a Number of pious, learned, and very aged Bishops should so many Years be preserved, in such wonderful Straits and Oppressions, untill they should plentifully provide for their own Succession. That after such a deep Deluge of Sacrilege, Profaneness, and Impiety had covered, and, to common Understanding, swallowed it up; that that Church should again appear above the Waters, God be again served in that Church, and served as he ought to be, and there should be some Revenue left to support and encourage those who serve him; nay, that many of those who seem’d to thirst after that Revenue till they had possessed it, should conscientiously restore what they had taken away, and become good Sons and willing Tenants to that Church they had so lately spoiled, may make us all piously believe that God Almighty would not have been at the Expence and Charge of such a Deliverance; but, in the Behalf of a Church, very acceptable to him, and which shall continue to the End of the World, and against which the Gates of Hell shall not be able to prevail.

An. 12. Car. II.

1660.

December.

‘ We may tell those desperate Wretches who still harbour in their Thoughts wicked Designs against the Sacred Person of the King, in order to the compassing of their own Imaginations, that God Almighty would not have led him through so many Wilderesses of Afflictions of all Kinds, conducted him through so many Perils at Sea, and Perils by Land, snatched him out of the Midst of this Kingdom when it was not worthy of him, and when the Hands of his Enemies were even upon him, when they thought themselves so sure of him that they would bid so cheap and so vile a Price for him; he could not, in that Article, have so covered him with a Cloud, that he travelled, even with some Pleasure and great Observation, through the Midst of his Enemies. He would not so wonderfully have new modelled that Army, so inspired their Hearts and the Hearts of the whole Nation, with an honest and impatient Longing for the Return of their dear Sovereign; and, in the mean Time, have so tried him (which had little less Providence in it than the other) with these unnatural, or at least unusual, Disrespects and Reproaches abroad, that he might have a harmless and an innocent Appetite to his own Country, and return to his own People with a full Value, and the whole unwasted Bulk of his Affections, without being corrupted or biased by extraordinary foreign Obligations. God Almighty would not have done all this but for a Servant, whom he will always preserve as the Apple of his own Eye, and always defend from the most secret Imaginations of his Enemies.

‘ If these Argumentations, Gentlemen, urged with that Vivacity as is most natural to your own Gratitude and Affections, recover as many (and it would be strange if they should not) as have been corrupted by the other Logic, the Hearts of the whole Nation, even to a Man, will insensibly be so devoted to the King, as the only Conservator and Protector of all that is dear and precious to them; and will be so zealous to please him, whose greatest Pleasure is to see them pleased, that when they make Choice of Persons
again

again to serve in Parliament, they will not chuse such as they wish should oppose the King, but therefore chuse because they have, and because they are to like to serve the King with their whole Hearts; and, since he desires what is best for his People, to gratify him in all his Desires. This blessed Harmony would raise us to the highest Pinnacle of Honour and Happiness in this World: A Pinnacle without a Point, upon which King and People may securely rest and repose themselves, against all the Gusts, and Storms, and Temptations which all the Malice of this World can raise against us: And I am sure you will all contend to be at the Top of this Pinnacle.

An. 12. Car. II.
1660.
December.

‘I have no more to add but the Words of Custom, That the King declares this present Parliament to be dissolved; and this Parliament is dissolved accordingly.’

The Compilers of this History, having finished the Work up to the Period they intended, proceed no further; and do now return their hearty Thanks to the Public for their kind and generous Acceptance of it.





A P P E N D I X

O F

*Several Matters relative to the foregoing History,
which were either omitted in the Course of it,
or have been sent in to the Compilers since the
Publication of the former Part of this Work.
And first,*

The PARLIAMENTARY HISTORY, Vol. I. p. 274.

IT having been objected that too little is said of that famous Act of the 25th of Edward III. declaring what Offences shall be judged TREASON; it is thought proper to reprint the whole Act, as it stands in our Statute Books; a Repeal of which has never been attempted in any Reign since.

An. 25. Ed. III.
1351.

*A DECLARATION what Offences shall be adjudged
TREASON.*

‘ **W**Hereas divers Opinions have been before
‘ this Time, in what Case Treason shall
‘ be said, and in what not: The King, at the Re-
‘ quest of the Lords and of the Commons, hath
‘ made a Declaration in the Manner as hereafter
‘ followeth; that is to say, When a Man doth com-
‘ pass or imagine the Death of our Lord the King,
‘ or of our Lady his Queen, or of their eldest Son
‘ and Heir; or if a Man do violate the King’s Com-
‘ panion, or the King’s eldest Daughter unmarried,
‘ or

An. 25. Ed. III.

1351.

‘ or the Wife of the King’s eldest Son and Heir ;
 ‘ or if a Man do levy War against our Lord the
 ‘ King in his Realm, or be adherent to the King’s
 ‘ Enemies in his Realm, giving to them Aid and
 ‘ Comfort in the Realm or elsewhere, and thereof
 ‘ be probably attainted of open Deed by People of
 ‘ their Condition : And if a Man counterfeit the
 ‘ King’s Great or Privy Seal, or his Money ; and
 ‘ if a Man bring false Money into this Realm, coun-
 ‘ terfeit to the Money of *England*, as the Money
 ‘ called *Lusburgh*, or other like to the said Money
 ‘ of *England*, knowing the Money to be false to
 ‘ Merchandise, or make Payment, in Deceit of our
 ‘ said Lord the King, and of his People : And if a
 ‘ Man slay the Chancellor, Treasurer, or the King’s
 ‘ Justices of the one Bench or the other, Justices in
 ‘ Eyre, or Justices of Assize, and all other Justices
 ‘ assigned to hear and determine, being in their
 ‘ Places doing their Offices.

‘ And it is to be understood, in the Cases above
 ‘ rehearsed, that ought to be judged Treason,
 ‘ which extends to our Lord the King and his Royal
 ‘ Majesty ; and of such Treason the Forfeiture of
 ‘ the Escheats pertaineth to our Lord, as well of
 ‘ the Lands and Tenements holden of other, as of
 ‘ himself.

‘ And, moreover, there is another Manner of
 ‘ Treason ; that is to say, When a Servant slayeth
 ‘ his Master ; or a Wife her Husband ; or when a
 ‘ Man, Secular or Religious, slayeth his Prelate to
 ‘ whom he oweth Faith and Obedience ; and to
 ‘ such Treason the Escheats ought to pertain to every
 ‘ Lord of his own Fee.

‘ And because that many other like Cases of Trea-
 ‘ son may happen in Time to come, which a Man
 ‘ cannot think nor declare at this present Time ; it
 ‘ is accorded, that if any other Case, supposed Trea-
 ‘ son, which is not above specified, doth happen be-
 ‘ fore any Justices, the Justices shall tarry without
 ‘ any going to Judgment of the Treason, till the
 ‘ Cause be shewed and declared before the King and
 ‘ his

his Parliament, whether it ought to be judge An. 25. Ed. III.
Treason or other Felony. 1351.

And if, percase, any Man of this Realm ride armed, covertly or secretly with Men of Arms, against any other, to slay him, or rob him, or take him, or retain him till he hath made Fine or Ransom for to have his Deliverance, it is not the Mind of the King nor his Council, that in such Case it shall be judged Treason, but shall be judged Felony or Trespass, according to the Laws of the Land of old Time used, and according as the Case requireth. And if in such Case, or other like, before this Time, any Justices have judged Treason, and for this Cause the Lands and Tenements have comen into the King's Hands as Forfeit, the chief Lords of the Fee shall have the Escheats of the Tenements holden of them, whether that the same Tenements be in the King's Hands or in others, by Gift or in other Manner.

Saving always to our Lord the King the Year and the Waste, and the Forfeitures of Chattels, which pertain to him in the Cases above-named. And that the Writs of *Scire facias* be granted in such Case against the Land Tenements without other Original, and without allowing any Protection in the said Suit. And that of the Lands which be in the King's Hands, Writs be granted to the Sheriffs of the Counties where the Lands be, to deliver them out of the King's Hands without Delay.

Nothing occurs to the Editors of this History, which is omitted in the Work, from the last Period to the Reign of King *James* the First; where we find a Speech of that Monarch's wanting, which he made to both Houses of Parliament at *Whitehall*, *March* 23, 1609, and the seventh Year of his Reign. This Speech, or the Occasion of calling both Houses together, at this Time, is not taken Notice of in the *Journals* of either House; and therefore we know not exactly where to place it^a. But since we find

^a It seems to fall in somewhere about Page 227, Vol. V.

4 A P P E N D I X.

An. 7. James I. find it printed in the large Folio Volume of this
 1609. King's Works, the Authenticity of it cannot be dis-
 March. puted; and therefore we give it as follows:

A Speech of King
 James I. made to
 both Houses of
 Parliament at
 Whitehall, March
 23, 1609.

WE being now in the Midst of this Season appointed for Penitence and Prayer, it hath so fallen out, that these two last Days have been spent in a far other Sort of Exercise, I mean in Eucharistick Sacrifices, and Gratulation of Thanks presented unto me by both the Parts of this Body of Parliament; and therefore to make up the Number of three, which is the Number of Trinity and Perfection, I have thought good to make this the third Day, to be spent in this Exercise.

As ye made me a fair Present, indeed, in presenting your Thanks and loving Duties unto me, so have I now called you here, to recompense you again with a great and a rare Present, which is a fair and a chrystal Mirror; not such a Mirror wherein you may see your own Faces, or Shadows, but such a Mirror, or Chrystal, as, through the Transparency thereof, you may see the Heart of your King. The Philosophers wish that every Man's Breast were a Chrystal, through which his Heart might be seen, is vulgarly known; and I touched it in one of my former Speeches unto you: But tho' that were impossible in the general, yet will I now perform this for my Part, That as it is a true Axiom in Divinity, that *Cor Regis is in Manu Domini*, so will I now set *Cor Regis in Oculis Populi*. I know that I can say nothing at this Time, whereof some of you that are here have not, at one Time or other, heard me say the like already; yet as corporeal Food nourisheth and maintaineth the Body, so doth *Reminiscentia* nourish and maintain Memory.

I will reduce to three general and main Grounds the principal Things that have been agitated in this Parliament, and whereof I will now speak,

First, The Errand for which you were called by me; and that was, for supporting of my State and Necessities.

The

A P P E N D I X. 5

‘ The *second* is, That which the People are to
 ‘ move unto the King ; to represent unto him such
 ‘ Things whereby the Subjects are vexed, or where-
 ‘ in the State of the Commonwealth is to be redres-
 ‘ sed : And that is the Thing which you call Grie-
 ‘ vances.

An. 7. James I.
 1609.
 March.

‘ The *third* Ground that hath been handled
 ‘ amongst you, and not only in Talk amongst you
 ‘ in the Parliament, but even in many other People’s
 ‘ Mouths, as well within as without the Parliament,
 ‘ is of a higher Nature than any of the former, tho’
 ‘ it be but an Incident ; and the Reason is, because
 ‘ it concerns a higher Point : And this is a Doubt,
 ‘ which hath been in the Heads of some, of my In-
 ‘ tention in two Things.

‘ *First*, Whether I was resolved, in the general,
 ‘ to continue still my Government according to the
 ‘ antient Form of this State, and the Laws of this
 ‘ Kingdom ; or if I had an Intention not to limit
 ‘ myself within those Bounds, but to alter the same
 ‘ when I thought convenient, by the absolute Power
 ‘ of a King.

‘ The other Branch is anent the Common Law,
 ‘ which some had a Conceit I disliked, and (in re-
 ‘ spect that I was born where another Form of Law
 ‘ was established) that I would have wished the Ci-
 ‘ vil Law to have been put in Place of the Common
 ‘ Law, for Government of this People. And the
 ‘ Complaint made amongst you of a Book written
 ‘ by Dr. *Cowell*, was a Part of the Occasion of this
 ‘ Incident. But, as touching my Censure of that
 ‘ Book, I made it already to be delivered unto you
 ‘ by the Treasurer here sitting, which he did out of
 ‘ my own Directions and Notes ; and what he said
 ‘ in my Name, that had he directly from me. But
 ‘ what he spoke of himself therein without my Di-
 ‘ rection, I shall always make good, for you may be
 ‘ sure I will be loath to make so honest a Man a Liar,
 ‘ or deceive your Expectations : Within very few
 ‘ Days my Edict shall come forth anent that Mat-
 ‘ ter, which shall fully discover my Meaning.

‘ There

An. 7. James I.

1609.

March,

‘ There was never any Reason to move Men to
 ‘ think that I could like such Grounds ; for there are
 ‘ two Qualities principally, or rather Privations, that
 ‘ make Kings subject to Flattery, Credulity and Ig-
 ‘ norance ; and I hope none of them can be justly
 ‘ objected to me : For if *Alexander* the Great, for all
 ‘ his Learning, had been wise, in that Point, to have
 ‘ considered the State of his own natural Body and
 ‘ Disposition, he would never have thought himself
 ‘ a God. And now to the Matter : As it is a Chri-
 ‘ stian Duty in every Man, *reddere Rationem Fidei*,
 ‘ and not to be ashamed to give an Account of his
 ‘ Profession before Men and Angels, as oft as Oc-
 ‘ casion shall require ; so did I ever hold it a Necess-
 ‘ sity of Honour, in a just and wise King, though not
 ‘ to give an Account to his People of his Actions,
 ‘ yet clearly to deliver his Heart and Intention unto
 ‘ them upon every Occasion. But I must invert my
 ‘ Order, and begin first with that Incident which
 ‘ was last in my Division, though highest of Nature,
 ‘ and so go backward.

‘ The State of Monarchy is the supremest Thing
 ‘ upon Earth ; for Kings are not only God’s Lieute-
 ‘ nants upon Earth, and sit upon God’s Throne, but
 ‘ even by God himself they are called Gods. There
 ‘ be three principal Similitudes that illustrate the
 ‘ State of Monarchy, one taken out of the Word of
 ‘ God, and the two other out of the Grounds of Po-
 ‘ licy and Philosophy. In the Scriptures Kings are
 ‘ called Gods ; and so their Power, after a certain
 ‘ Relation, compared to the Divine Power. Kings
 ‘ are also compared to Fathers of Families ; for a
 ‘ King is truly *Parens Patriæ*, the politic Father of
 ‘ his People. And, lastly, Kings are compared to
 ‘ the Head of this Microcosm of the Body of Man.

‘ Kings are justly called Gods, for that they ex-
 ‘ ercise a Manner or Resemblance of Divine Power
 ‘ upon Earth : For if you will consider the Attributes
 ‘ of God, you shall see how they agree in the Person
 ‘ of a King. God hath Power to create or destroy,
 ‘ make or unmake, at his Pleasure ; to give Life, or
 ‘ send Death ; to judge all, and to be judged by or
 ‘ account-

' accountable to none ; to raise low Things, and to An. 7. James I.
 ' make high Things low at his Pleasure ; and to 1609.
 ' God are both Soul and Body due : And the like }
 ' Power have Kings ; they make and unmake their March.
 ' Subjects ; they have Power of raising and casting
 ' down ; of Life and of Death ; Judges over all
 ' their Subjects, and in all Causes, and yet account-
 ' able to none but God only. They have Power
 ' to exalt low Things, and abase high Things, and
 ' make of their Subjects like Men at the Chesse ; a Pawn
 ' to take a Bishop or a Knight, and to cry up or
 ' down any of their Subjects, as they do their Mo-
 ' ney ; and to the King is due both the Affection of
 ' the Soul, and the Service of the Body of his Sub-
 ' jects : And therefore that Reverend Bishop here
 ' amongst you, though I hear that by divers he was
 ' mistaken or not well understood ; yet did he preach
 ' both learnedly and truly anent this Point, con-
 ' cerning the Power of a King ; for what he spake
 ' of a King's Power in *Abstracto*, is most true in
 ' Divinity : For to Emperors or Kings that are Mo-
 ' narchs, their Subjects Bodies and Goods are due
 ' for their Defence and Maintenance. But if I had
 ' been in his Place, I would only have added two
 ' Words, which would have cleared all ; for after
 ' I had told, as a Divine, what was due by the Sub-
 ' jects to their Kings in general, I would then have
 ' concluded as an *Englishman*, shewing this People
 ' that as, in general, all Subjects were bound to re-
 ' leive their King, so to exhort them ; that as we
 ' lived in a settled State of a Kingdom which was
 ' governed by its own Fundamental Laws and
 ' Orders, that, according thereunto, they were
 ' now (being assembled for this Purpose in Par-
 ' liament) to consider how to help such a King
 ' as now they had ; and that, according to the antient
 ' Form and Order established in this Kingdom,
 ' putting a Difference between the general Power
 ' of a King in Divinity, and the settled and esta-
 ' blished State of this Crown and Kingdom. And I
 ' am sure that the Bishop meant to have done the
 ' same, if he had not been straitned by Time, which,
 ' in

An. 7. James I.
1609.

March.

‘ in respect of the Greatness of the Presence preach-
‘ ing before me, and such an Auditory, he durst not
‘ presume upon.

‘ As for the Father of a Family, they had of
‘ old, under the Law of Nature, *Patriæ Potestatem*,
‘ which was *Potestatem Vitæ & Necis*, over their
‘ Children or Family; I mean such Fathers of Fa-
‘ milies as were the lineal Heirs of those Families
‘ whereof Kings did originally come: For Kings
‘ had their first Original from them, who planted
‘ and spread themselves in Colonies thro’ the World.
‘ Now a Father may dispose of his Inheritance to his
‘ Children at his Pleasure; yea, even disinherit the
‘ Eldest upon just Occasions, and prefer the Youngest
‘ according to his Liking; make them Beggars or rich
‘ at his Pleasure; restrain or banish out of his Pre-
‘ sence as he finds them give Cause of Offence; or
‘ restore them in Favour again with the penitent Sin-
‘ ner. So may the King deal with his Subjects.

‘ And, *lastly*, as for the Head of the natural Body,
‘ the Head hath the Power of directing all the Mem-
‘ bers of the Body to that Use which the Judgment
‘ in the Head thinks most convenient. It may ap-
‘ ply sharp Cures, or cut off corrupt Members, let
‘ Blood in what Proportion it thinks fit, and as the
‘ Body may spare; but yet is all this Power ordained
‘ by God, *ad Ædificationem, non ad Destructionem*.
‘ For although God have Power as well of Destruc-
‘ tion, as of Creation or Maintenance; yet will it
‘ not agree with the Wisdom of God to exercise his
‘ Power in the Destruction of Nature, and overturn-
‘ ing the whole Frame of Things, since his Creatures
‘ were made, that his Glory might thereby be the
‘ better expressed: So were he a foolish Father that
‘ would disinherit or destroy his Children without a
‘ Cause, or leave off the careful Education of them.
‘ And it were an idle Head that would, in place of
‘ Physic, so poison or phlebotomize the Body, as
‘ might breed a dangerous Distemper or Destruction
‘ thereof.

‘ But now, in these our Times, we are to distin-
‘ guish between the State of Kings in their first Ori-
‘ ginal,

ginal, and between the State of settled Kings and
 Monarchs, that do at this Time govern in civil
 Kingdoms : For even as God, during the Time of
 the Old Testament, spake by Oracles, and wrought
 by Miracles ; yet how soon it pleased him to settle
 a Church, which was bought and redeemed by the
 Blood of his only Son Christ, then was there a
 Cessation of both ; he ever after governing his
 People and Church within the Limits of his re-
 vealed Will. So in the first Original of Kings,
 whereof some had their Beginning by Conquest,
 and some by Election of the People, their Wills at
 that Time served for Law ; yet how soon King-
 doms began to be settled in Civility and Policy,
 then did Kings set down their Minds by Laws,
 which are properly made by the King only ; but,
 at the Rogation of the People, the King's Grant
 being obtained thereunto. And so the King became
 to be *Lex loquens*, after a Sort, binding himself by
 a double Oath to the Observation of the Funda-
 mental Laws of his Kingdom ; tacitly, as by being
 a King, and so bound to protect as well the People,
 as the Laws of his Kingdom ; and expressly, by his
 Oath at his Coronation : So as every just King, in
 a settled Kingdom, is bound to observe that Pac-
 tion made to his People by his Laws, in framing
 his Government agreeable thereunto, according to
 that Paction which God made with *Noah* after the
 Deluge, *Hereafter Seed-Time and Harvest, Cold*
and Heat, Summer and Winter, and Day and Night,
shall not cease so long as the Earth remains. And
 therefore a King, governing in a settled Kingdom,
 leaves to be a King, and degenerates into a Ty-
 rant, as soon as he leaves off to rule according to
 his Laws. In which Case the King's Conscience
 may speak unto him as the poor Widow said to
Philip of Macedon, Either govern according to your
Law, aut ne Rex sis. And tho' no Christian Man
 ought to allow any Rebellion of People against
 their Prince, yet doth God never leave Kings un-
 punished when they transgress these Limits : For
 in that same Psalm where God saith to Kings, *Vos*
Dii

An. 7. James I.
 1609.
 March.

An. 7. James I.
1609.
March,

Dii estis, he immediately thereafter concludes, *But ye shall die like Men.* The higher we are placed the greater shall our Fall be. *Ut Casus sic Dolor.* The taller the Trees be, the more in Danger of the Wind; and the Tempest beats forest upon the highest Mountains. Therefore all Kings that are not Tyrants, or perjured, will be glad to bound themselves within the Limits of their Laws; and they that persuade them to the contrary are Vipers and Pests, both against them and the Commonwealth. For it is a great Difference between a King's Government in a settled State, and what Kings in their original Power might do in *Individo vago*. As for my Part, I thank God I have ever given good Proof that I never had Intention to the contrary; and I am sure to go to my Grave with that Reputation and Comfort, That never King was, in all his Time, more careful to have his Laws duly observed, and himself to govern thereafter, than I.

I conclude then this Point touching the Power of Kings, with this Axiom of Divinity, That as to dispute what God may do, is Blasphemy; but *quid vult Deus*, that Divines may lawfully, and do ordinarily, dispute and discuss; for to dispute *a posse ad esse*, is both against Logic and Divinity: So is it Sedition in Subjects to dispute what a King may do in the Height of his Power; but just Kings will ever be willing to declare what they will do, if they will not incur the Curse of God. I will not be content that my Power be disputed upon; but I shall ever be willing to make the Reason appear of all my Doings, and rule my Actions according to my Laws.

The other Branch of this Incident is concerning the Common Law, being conceived by some that I contemned it, and preferred the Civil Law thereunto. As I have already said, Kings Actions, even in the secretest Places, are as the Actions of those that are set upon the Stages, or on the Tops of Houses: And I hope never to speak that in private which I shall not avow in Public, and print it

A P P E N D I X, 11

it, if Need be, as I said in my *Basilicon Doron*. For An. 7. James I.
 it is true, that within these few Days I spoke freely 1609.
 my Mind touching the Common Law in my Privy
 Chamber, at the Time of my Dinner, which is
 come to all your Ears; and the same was likewise
 related unto you by my Treasurer: And now I
 will again repeat and confirm the same myself unto
 you: *First*, as a King, I have least Cause of any
 Man to dislike the Common Law; for no Law
 can be more favourable and advantageous for a
 King, and extendeth further his Prerogative than it
 doth. And for a King of *England* to despise the
 Common Law, it is to neglect his own Crown. It
 is true, that I do greatly esteem the Civil Law, the
 Profession thereof serving more for general Learn-
 ing, and being most necessary for Matters of Treaty
 with all foreign Nations; and I think that if it
 should be taken away, it would make an Entry to
 Barbarism in this Kingdom, and would blemish the
 Honour of *England*: For it is in a Manner *Lex*
Gentium, and maintaineth Interourse with all fo-
 reign Nations. But I only allow it to have Course
 here, according to those Limits of Jurisdiction,
 which the Common Law itself doth allow it. And
 therefore, tho' it be not fit for the general Govern-
 ment of the People here, it doth not follow it
 should be extinct, no more than because the *Latin*
 Tongue is not the Mother or Radical Language of
 any Nation in the World at this Time, that there-
 fore the *English* Tongue should only now be
 learned in this Kingdom; which were to bring in
 Barbarism. My Meaning therefore is not to pre-
 fer the Civil Law before the Common Law, but
 only that it should not be extinguished, and yet so
 bounded, (I mean to such Courts and Causes) as
 have been in antient Use; as the Ecclesiastical
 Courts, Court of Admiralty, Court of Requests,
 and such like; reserving ever to the Common Law
 to meddle with the Fundamental Laws of this
 Kingdom, either concerning the King's Preroga-
 tive, or the Possessions of Subjects, in any Que-
 stions, either between the King, and any of them,

March.

An. 7. James I.

1609.

March.

or amongst themselves, in the Points of *meum & tuum*. For it is true, that there is no Kingdom in the World, not only *Scotland*, but not *France*, nor *Spain*, nor any other Kingdom governed merely by the Civil Law; but every one of them hath their own Municipal Laws agreeable to their Customs, as this Kingdom hath the Common Law. Nay, I am so far from disallowing the Common Law, as I protest that, if it were in my Hand to chuse a new Law for this Kingdom, I would not only prefer it before any other National Law, but even before the very Judicial Law of *Moses*. And yet I speak no Blasphemy in preferring it for Conveniency to this Kingdom, and, at this Time, to the very Law of God: For God governed his selected People by these three Laws, Ceremonial, Moral, and Judicial. The Judicial being only fit for a certain People and a certain Time, which could not serve for the general of all other People and Times. As for Example, If the Law of Hanging for Theft was turned here to Restitution of Treble or Quadruple, as it was in the Law of *Moses*, what would become of all the middle Shires, and all the *Irish* and *Highlanders*? But the main Point is, That if the Fundamental Laws of any Kingdom should be altered, who should discern what is *meum & tuum*, or how should a King govern? It would be like the *Gregorian* Calendar, which destroys the old; and yet doth this new-trouble all the Debts and Accounts of Trafficks and Merchandizes. Nay, by that Account, I can never tell mine own Age; for now is my Birth-day removed, by the Space of ten Days, nearer me than it was before the Change. But upon the other Part, tho' I have in one Point preferred our Common Law, concerning our Use, to the very Law of God; yet, in another Respect, I must say, both our Law, and all Laws else, are far inferior to that Judicial Law of God: For no Book nor Law is perfect, nor free from Corruption, except only the Book and Law of God. And therefore I could wish some three Things specially to be purged and
 ' cleared

A P P E N D I X. 13

cleared in the Common Law ; but always by the Advice of Parliament : For the King with his Parliament here are absolute, as I understand, in making or forming of any Sort of Laws.

An. 7. James I.
1609.
March.

‘ *First*, I could wish it were written in our vulgar Language ; for now it is in an old, mixt, and corrupt Language, only understood by Lawyers : Whereas every Subject ought to understand the Law under which he lives ; for since it is our Plea against the Papists, that the Language in God’s Service ought not to be in an unknown Tongue, according to the Rule in the Law of *Moses*, That the Law should be written in the Fringes of the Priest’s Garment, and should be publicly read in the Ears of all the People ; so methinks ought our Law to be made as plain as can be to the People, that the Excuse of Ignorance may be taken from them, for conforming themselves thereunto.

‘ *Next*, Our Common Law hath not a settled Text in all Cases, being chiefly grounded either upon old Customs, or else upon the Reports and Cases of Judges, which ye call *Responsa Prudentum*. The like whereof is in all other Laws, for they are much ruled by Precedents, save only in *Denmark* and *Norway*, where the Letter of the Law resolves all Doubts, without any Trouble to the Judge. But tho’ it be true, That no Text of Law can be so certain, wherein the Circumstances will not make a Variation in the Case ; for in this Age Men’s Wits increase so much by Civility, that the Circumstances of every particular Case varies so much from the general Text of Law, as in the Civil Law itself, there are therefore so many Doctors that comment upon the Text, and never-a-one almost agrees with another ; otherwise there needed no Judges, but the bare Letter of the Law. Yet could I wish that some more Certainty were set down in this Case by Parliament ; for since the very Reports themselves are not always so binding but that divers Times Judges do disclaim them, and recede from the Judgment of their Predecessors, it were good that, upon a mature Deliberation, the

14 A P P E N D I X.

An. 7. James I.
1609.

March.

Exposition of the Law were set down by Act of Parliament, and such Reports therein confirmed, as were thought fit to serve for Law in all Times hereafter; and so the People should not depend upon the bare Opinions of Judges, and uncertain Reports.

And, *lastly*, There be in the Common Law divers contrary Reports and Precedents; and this Corruption doth likewise concern the Statutes and Acts of Parliament, in respect there are divers cross and cussing Statutes, and some so penned, as they may be taken in divers, yea contrary, Senses. And therefore would I wish both those Statutes and Reports, as well in the Parliament as Common Law, to be once maturely reviewed and reconciled; and that not only all Contrarieties should be scraped out of our Books, but even that such penal Statutes as were made but for the Use of the Time, (from Breach whereof no Man can be free) which do not now agree with the Condition of this our Time, might likewise be left out of our Books; which, under a tyrannous or avaritious King, could not be endured. And this Reformation might, methinks, be made a worthy Work, and well deserves a Parliament to be set of purpose for it.

I know now, that being upon this Point of the Common Law, you look to hear my Opinion concerning Prohibitions; and I am not ignorant that I have been thought to be an Enemy to all Prohibitions, and an utter Stayer of them: But I will shortly now inform you what hath been my Course in proceeding therein. It is true, that, in respect of divers honourable Courts and Jurisdictions planted in this Kingdom, I have often wished that every Court had his own true Limit and Jurisdiction clearly set down, and certainly known; which if it be exceeded by any of them, or that any of them encroach one upon another, then I grant that a Prohibition in that Case is to go out of the King's Bench, but chiefiest out of the Chancery; for other Benches, I am not yet so well resolved of
their

A P P E N D I X. 15

* their Jurisdiction in that Point. And, for my Part, An. 7. James I.
 * I was never against Prohibitions of this Nature, nor 1609.
 * the true Use of them; which is, indeed, to keep
 * every River within his own Banks and Channels.
 * But when I saw the Swelling and Overflowing of
 * Prohibitions, in a far greater Abundance than ever
 * before, every Court striving to bring in most Moul-
 * ter to their own Mill, by Multitudes of Causes,
 * which is a Disease very natural to all Courts and
 * Jurisdictions in the World. Then dealt I with
 * this Cause, and that at two several Times, once in
 * the Midst of Winter, and again in the Midst of
 * the next following Summer; at every of which
 * Times I spent three whole Days in that Labour,
 * and then, after a large Hearing, I told them, as
 * Christ said concerning Marriage, *ab Initio non fuit*
 * *sic*: For as God contains the Sea within his own
 * Bounds and Marches, (as it is in the *Psalms*) so it
 * is my Office to make every Court contain himself
 * within his own Limits; and therefore I gave Ad-
 * monitions to both Sides: To the other Courts,
 * that they should be careful hereafter every of them
 * to contain themselves within the Bounds of their
 * own Jurisdictions; and to the Courts of Common
 * Law, that they should not be so forward and pro-
 * digal in multiplying their Prohibitions. Two Cau-
 * tions I willed them to observe, in granting their
 * Prohibitions: First, That they should be granted
 * in a right and lawful Form; and next, That they
 * should not grant them but upon a just and reason-
 * able Cause. As to the Form, it was, That none
 * should be granted by any one particular Judge, or
 * in Time of Vacation, or in any other Place, but
 * openly in Court. And to this the Judges themselves
 * gave their willing Assent: And as to the Cause;
 * That they should not be granted upon every slight
 * Surmise, or Information of the Party; but always
 * that a due and grave Examination should first pre-
 * ceede; otherwise, if Prohibitions should rashly and
 * headily be granted, then no Man is the more se-
 * cure of his own, though he hath gotten a Sentence
 * with him; for as good have no Law, or Sentence;

March.

An. 7. James I.

1609.

March,

as to have no Execution thereof. A poor Minister,
 with much Labour and Expence, having exhausted
 his poor Means, and being forced to forbear his
 Study, and to become non-resident from his Flock,
 obtains a Sentence; and then, when he looks to en-
 joy the Fruits thereof, he is defrauded of all by a
 Prohibition, according to the Parable of Christ,
That Night, when he thinks himself most happy, shall
his Soul be taken from him. And so is he tortured
 like *Tantalus*; who, when he hath the Apple at his
 Mouth, and that he is gaping and opening his
 Mouth to receive it, then must it be pulled from
 him by a Prohibition, and he not suffered to taste
 thereof. So as, to conclude this Point, I put a
 Difference between the true Use of Prohibitions,
 and the superabounding Abuse thereof; for as a
 Thing, which is good, ought not therefore be abu-
 sed; so ought not the lawful Use of a good Thing
 be forborne, because of the Abuse thereof.

Now, the second general Ground whereof I am
 to speak, concerns the Matter of Grievances:
 There are two special Causes of the People's
 presenting Grievances to their King in Time of
 Parliament: *First*, For that the King cannot at
 other Times be so well informed of all the Grievances
 of his People as in Time of Parliament,
 which is the Representative Body of the whole
 Realm. *Secondly*, The Parliament is the highest
 Court of Justice, and therefore the fittest Place
 where divers Natures of Grievances may have their
 proper Remedy, by the Establishment of good and
 wholesome Laws. But though my Speech was be-
 fore directed to the whole Body of Parliament, yet,
 in this Case, I must address my Speech in special to
 you of the Lower House.

I am now then to recommend unto your Con-
 siderations the Matter and Manner of your hand-
 ling and presenting of Grievances. As for the
 Manner; tho' I will not deny but that ye, repre-
 senting the Body of the People, may, as it were,
 both *opportune* and *inopportune*; I mean either in
 Parliament as a Body, or out of Parliament as pri-
 vate

vate Men, present your Grievances unto me; yet
 would I have you to use this Caution in your Be-
 haviour in this Point, which is, that your Grievances be not, as it were, greedily sought out by
 you, or taken up in the Streets, (as one said) there-
 by to shew a Willingness that you would have a
 Shew made, that there are many Abuses in the
 Government, and many Causes of Complaint; but
 that, according to your first Institution, ye should
 only meddle with such Grievances, as yourselves
 do know had Need of Reformation, or had Infor-
 mations thereof in your Countries for which you
 serve, and not so to multiply them as might make
 it noised among the People, that all Things in
 the Government were amiss and out of Frame:
 For, even at the Beginning of this very Session of
 Parliament, the general Name of Grievances being
 mentioned among you, such a Conceit came in the
 Heads of many, that you had a Desire to multiply
 and make a great Muster of them, as every one ex-
 cited what his particular Spleen stirred him unto.
 Indeed there fell out an Accident upon this Occa-
 sion, for which I have Reason to thank you of the
 Lower House, I mean for your Fire-Work, where-
 in I confess you did Honour to me, and Right to
 yourselves: For having one Afternoon found many
 Grievances closely presented in Papers, and so all
 thrust up in a Sack together (rather like Pasquils
 than any lawful Complaints) far against your own
 Orders, and divers of them proceeding from grudge-
 ing and murmuring Spirits; you, upon the hear-
 ing read two or three of the first Lines of divers
 of them, were not content with a public Consent
 to condemn them, and to discharge any further
 reading of them, but you also made a public Bon-
 fire of them; In this, I say, you shewed your Care
 and Jealousy of my Honour, and I sent you Thanks
 for it by the Chancellor of the Exchequer, a Mem-
 ber of your own House; who, by your Appoint-
 ment, that same Night acquainted me with your
 Proceedings; and, by him also, I promised at that
 Time

An. 7. James I.
 1609.
 March.

An. 7. James I.

1609.

March.

Time that you should hear more of my Thanks for the same at the first Occasion; and now I tell you it myself, that you may know how kindly I take your dutiful Behaviour in this Case: But since this was a good Effect of an evil Cause, I must not omit also to admonish you upon the other Part, to take a Course amongst yourselves, to prevent the like Accident in all Times hereafter, otherwise the Lower House may become a Place for Pasquils; and, at another Time, such Grievances may be cast in amongst you, as may contain Treason or Scandal against me, or my Posterity: Therefore, in this Case, look over your antient Orders, and follow them, and suffer not hereafter any Petitions or Grievances to be delivered obscurely, or in the Dark; but openly and avowedly in your public House, and there to be presented to the Speaker.

And as to the Matter of your Grievances, I wish you here now to understand me rightly: And because I see many writing and noting, I will crave your Pardons to hold you a little longer, by speaking the more distinctly, for fear of mistaking.

First, Then, I am not to find Fault that you inform yourselves of the particular just Grievances of the People; nay, I must tell you, ye can neither be just nor faithful to me, or to your Countries that trust and employ you; if you do it not; for true Complaints proceed not from the Persons employed, but from the Body represented, which is the People. And it may very well be, that many Directions and Commissions justly given forth by me, may be abused in the Execution thereof upon the People; and yet I never to receive Information, except it comes by your Means, at such a Time as this is, as in the Case of *Stephen Procter*. But I would wish you to be careful to avoid three Things in the Matter of Grievances.

First, That you do not meddle with the main Points of Government; that is my Craft, *traçtent Fabrilis Fabri*; to meddle with that, were to lessen me: I am now an old King; for thirty-six Years

I have

* have I governed in *Scotland* personally, and now
 * have I accomplished my Apprenticeship of seven
 * Years here; and seven Years is a great Time for
 * a King's Experience in Government: Therefore
 * there should not be too many *Phormios* to teach
 * *Hannibal*: I must not be taught my Office.

An. 7. Jamest.

1609.

March.

* *Secondly*, I would not have you meddle with such
 * antient Rights of mine as I have received from
 * my Predecessors, possessing them *More Majorum*;
 * such Things I would be sorry should be accounted
 * for Grievances. All Novelties are dangerous, as well
 * in a politic as in a natural Body: And, therefore,
 * I would be loath to be quarrelled in my antient
 * Rights and Possessions; for that were to judge me
 * unworthy of that which my Predecessors had, and
 * left me.

* And, *lastly*, I pray you beware to exhibit for
 * Grievance any Thing that is established by a set-
 * tled Law, and whereunto, as you have already
 * had a Proof, you know I will never give a plausible
 * Answer; for it is an undutiful Part in Subjects to
 * press their King, wherein they know before-hand
 * he will refuse them. Now, if any Law or Statute
 * be not convenient, let it be amended by Parlia-
 * ment; but, in the mean Time, term it not a Grie-
 * vance; for to be grieved with the Law, is to be
 * grieved with the King, who is sworn to be the Pa-
 * tron and Maintainer thereof. But as all Men are
 * Flesh, and may err in the Execution of Laws; so
 * may ye justly make a Grievance of any Abuse of
 * the Law, distinguishing wisely between the Faults
 * of the Person, and the Thing itself: As for Ex-
 * ample, Complaints may be made unto you of the
 * High Commissioners; if so be, try the Abuse,
 * and spare not to complain upon it; but say not there
 * shall be no Commission, for that were to abridge
 * the Power that is in me: And I will plainly tell
 * you, that something I have with myself resolved
 * anent that Point, which I mean ever to keep, ex-
 * cept I see other great Cause, which is, That in re-
 * gard the High Commission is of so high a Nature,
 * from which there is no Appellation to any other
 * Court,

An. 7. James I.
1609.

March,

‘ Court, I have thought good to restrain it only to
‘ the two Archbishops, where before it was com-
‘ mon amongst a great Part of the Bishops in *Eng-*
‘ *land*. This Law I have set to myself, and there-
‘ fore you may be assured, that I will never find
‘ Fault with any Man, nor think him the more
‘ puritan that will complain to me out of Parliament,
‘ as well as in Parliament, of any Error in Execution
‘ thereof, so that he prove it; otherwise it were but
‘ a Calumny. Only I would be loath that any Man
‘ should grieve at the Commission itself, as I have
‘ already said. Ye have heard, I am sure, of the
‘ Pains I took both in the Causes of the Admiralty,
‘ and of the Prohibitions: If any Man, therefore,
‘ will bring me any just Complaints upon any Mat-
‘ ters of so high a Nature as this is, ye may assure
‘ yourselves that I will not spare my Labour in hear-
‘ ing it. In Faith, you never had a more painful
‘ King, or that will be readier in his Person to de-
‘ termine Causes that are fit for his Hearing. And
‘ whenever any of you shall make Experience of me
‘ in this Point, ye may be sure never to want Access,
‘ nor ye shall never come wrong to me in or out of
‘ Parliament.

‘ And now, to conclude this Purpose of Grievan-
‘ ces, I have one general Grievance to commend
‘ unto you, and that in the Behalf of the Countries
‘ from whence ye come: And this is to pray you to
‘ beware that your Grievances favour not of parti-
‘ cular Men’s Thoughts, but of the general Grievs
‘ rising out of the Minds of the People, and not out
‘ of the Humour of the Propounder. And, there-
‘ fore, I would wish you to take Heed carefully, and
‘ consider of the Party that propounds the Grievance:
‘ For ye may, if ye list, easily discern whether it be
‘ his own Passion or the People’s Grief that makes
‘ him to speak; for many a Man will, in your
‘ House, propound a Grievance out of his own Hu-
‘ mour, because (peradventure) he accounts highly
‘ of that Matter; and yet, the Country that em-
‘ ploys him, may perhaps either be of a contrary
‘ Mind, or, at least, little care for it: As, for Ex-
‘ ample,

ample, I assure you, I can very well smell between
 a Petition that moves from a general Grievance,
 or such a one as comes from the Spleen of some particular Person, either against Ecclesiastical Government in general, or the Person of any one Nobleman or Commissioner in particular.

An. 7. James I.
 1609.

March,

And now the third Point remains to be spoken of, which is the Cause of my calling of this Parliament. And in this I have done but as I used to do in all my Life; which is, to leave mine own Errand hindmost.

It may be you did wonder that I did not speak unto you publickly at the Beginning of this Session of Parliament, to tell you the Cause of your Calling, as I did, if I be rightly remembered, in every Session before. But the Truth is, that because I call you at this Time for my particular Errand, I thought it fitter to be opened unto you by my Treasurer, who is my public and most principal Officer in Matters of that Nature, than that I should do it myself; for I confess I am less naturally eloquent, and have greater Cause to distrust mine Elocution in Matters of this Nature, than in any other Thing. I have made my Treasurer already to give you a very clear and true Account both of my Having and Expences: A Favour, I confess, that Kings do seldom bestow upon their Subjects, in making them so particularly acquainted with their State. If I had not more than Cause, you may be sure I would be loath to trouble you; but what he hath affirmed in this, upon the Honour of a Gentleman, (whom you never had Cause to distrust for his Honesty) that do I now confirm and avow to be true on the Word and Honour of a King; and therein you are bound to believe me. Duty I may justly claim of you as my Subjects; and one of the Branches of Duty, which Subjects owe to their Sovereign, is Supply: But in what Quantity, and at what Time, that must come of your Loves. I am not now therefore to dispute of a King's Power, but to tell you what I may justly crave, and expect
 with

An. 7. James I.
1609.

March.

with your good Wills. I was ever against all Extremes, and in this Case I will likewise wish you to avoid them on both Sides; for if you fall in the one, I might have great Cause to blame you, as Parliament Men, being called by me for my Errands: And if you fall into the other Extreme, by Supply of my Necessities, without respective Care to avoid Oppression, or Partiality in the Levvy, both I and the Country will have Cause to blame you.

When I think upon the Composition of this Body of Parliament, I do well consider that the Upper House is composed of the Secular Nobility, who are hereditary Lords of Parliament; and of Bishops, that are Live-renter Barons of the same: And therefore, what is given by the Upper House, is given only from the true Body of that House, and out of their own Purfes that do give it; whereas the Lower House is but the Representative Body of the Commons, and so what you give, you give it as well for others as for yourselves; and therefore you have the more Reason to eschew both the Extremes. On the one Part, you may the more easily be liberal, since it comes not all from yourselves; and yet, upon the other Part, if ye give more than is fit for good and loving Subjects to yield upon such necessary Occasions, ye abuse the King, and hurt the People. And such a Gift I will never accept; for, in such a Case, you might deceive a King, in giving your flattering Consent to that which you know might move the People generally to grudge and murmur at it, and so should the King find himself deceived in his Calcule, and the People likewise grieved in their Hearts; the Love and Possession of which, I protest, I did, and ever will, account the greatest earthly Security (next the Favour of God) to any wise or just King. For tho' it was vainly said by one of your House, That ye had need to beware, that by giving me too much, your Throats were not in Danger of cutting at your coming home; yet may ye assure yourselves, that I will ever be
loath

I loath to press you to do that which may wrong the
 People, and make you justly to bear the Blame
 thereof. But that ye may the better be acquainted
 with my Inclination, I will appeal to a Number of
 my Privy Council here present, if that, before the
 Calling of this Parliament, and when I found
 that the Necessity of my Estate required so great a
 Supply, they found me more desirous to obtain that
 which I was forced to seek, than careful that the
 People might yield me a Supply in so great a Mea-
 sure as my Necessities required, without their too
 great Loss. And you all that are Parliament Men,
 and here present of both Houses, can bear me Wit-
 ness, if ever I burdened or employed any of you
 for any particular Subsidies, or Sums by Name,
 further than my laying open the particular Necessi-
 ties of my State, or yet if ever I spake to any
 Privy Counsellor, or any of my learned Counsel,
 to labour Voices for me to this End; I ever de-
 tested the hunting for *Emendicata Suffragia*. A
 King that will rule and govern justly, must have
 Regard to Conscience, Honour, and Judgment,
 in all his great Actions, as yourself, Mr. Speaker,
 remembered the other Day. And therefore ye
 may assure yourselves, that I ever limit all my
 great Actions within that Compass. But as,
 upon the one Side, I do not desire you should yield
 to that Extreme, in giving me more than, as I said
 formerly, upon such necessary Occasions, are fit
 for good and loving Subjects to yield; for that
 were to give me a Purse with a Knife: So, on the
 other Side, I hope you will not make vain Preten-
 ces of Wants, out of causeless Apprehensions, or
 idle Excuses, neither cloak your own Humours,
 when yourselves are unwilling, by alledging the
 Poverty of the People. For although I will be no
 less just, as a King, to such Persons, than any
 other, for my Justice, with God's Grace, shall
 be alike open to all; yet, ye must think, I
 have no Reason to thank them, or gratify them
 with any Suits or Matters of Grace, when their
 Errand shall come in my Way. And yet no Man
 can

An. 7. James I.
 1609.
 March.

An. 7. James I.

1609.

March.

‘ can say that ever I quarrelled any Man for refusing me a Subsidy, if he did it in a moderate Fashion, and with good Reasons. For him that denies a good Law I will not spare to quarrel; but for granting or denying Money, it is but an Effect of Love: And therefore, for the Point of my Necessities, I only desire that I be not refused in that which of Duty I ought to have. For I know, if it were propounded in the general amongst you, whether the King’s Wants ought to be reliev’d or not? There is not one of you that would make Question of it. And tho’, in a Sort, this may seem to be my Particular, yet it cannot be divided from the general Good of the Commonwealth; for the King, that is *Parens Patriæ*, tells you of his Wants. Nay, *Patria ipsa* by him speaks unto you. For if the King wants, the State wants, and therefore the strengthening of the King is the Preservation and the Standing of the State: And woe be to him that divides the Weal of the King from the Weal of the Kingdom. And as that King is miserable, how rich soever he be, that reigns over a poor People, for the Hearts and Riches of the People are the King’s greatest Treasure; so is that Kingdom not able to subsist, how rich and potent soever the People be, if their King wants Means to maintain his State; for the Means of your King are the Sinues of the Kingdom, both in War and Peace: For in Peace I must minister Justice unto you, and in War I must defend you by Arms; but neither of these can I do without sufficient Means, which must come from your Aid and Supply. I confess it is far against my Nature to be burdensome to my People; for it cannot but grieve me to crave of others, that was born to be begged of. It is true, I crave more than ever King of *England* did; but I have far greater and juster Cause and Reason to crave than ever King of *England* had. And though my Treasurer hath at length declared the Reasons unto you of my Necessities, and of a large Supply that he craved for the same, wherein he omitted no Arguments that can be used for

‘ that

A P P E N D I X. 25

that Purpose; yet will I myself now shortly re-
member you of some of the weightiest Reasons that
come in my Head, to prove the Equity of my De-
mand.

An. 7. James I.
1609.
March

First, Ye all know that, by the Accession of
more Crowns, which in my Person I have brought
unto you, my Charge must be the greater in all
Reason; for the greater your King be, both in his
Dominions and Number of Subjects, he cannot but
be forced thereby to be at the more Charge, and
it is the more your Honour so to have it.

Next, That Posterity and Issue which it hath
pleased God to send me for your Use, cannot but
bring necessarily with it a greater Proportion of
Charge. You all know that the late Queen, of
famous Memory, notwithstanding her Orbit, had
much given to her, and more than ever any of her
Predecessors had before her.

Thirdly, The Time of Creation of my Son doth
now draw near, which I chuse, for the greater Ho-
nour, to be done in this Time of Parliament. As
for him I say no more; the Sight of himself here
speaks for him.

Fourthly, It is true, I have spent much; but yet
if I had spared any of those Things, which caused
a great Part of my Expence, I should have disho-
noured the Kingdom, myself, and the late Queen.
Should I have spared the Funeral of the late Queen,
or the Solemnity of mine and my Wife's Entry in-
to this Kingdom, in some honourable Sort? Or
should I have spared our Entry into *London*, or our
Coronation? And when most of the Monarchs and
great Princes in Christendom sent their Ambassa-
dors to congratulate my coming hither, and some
of them came in Person, was I not bound, both for
my own Honour and the Honour of the Kingdom,
to give them good Entertainment? But in case it
might be objected by some, that it is only upon
Occasions of War that Kings obtain great Supplies
from their Subjects: Notwithstanding my intern
Peace, I am yet in a kind of War, which, if it be
without, the more is your Safety; for, as the Trea-
surer

26 A P P E N D I X.

42. 7. James I.

1609.

March.

‘ furer told you at large, I am now forced, both in
 ‘ respect of State and my Promise, and for the gene-
 ‘ ral Cause of Religion, to send a Supply of Forces
 ‘ to *Cleves*; and how long that Occasion may last,
 ‘ or what greater Supply the Necessity of that Errand
 ‘ may draw me unto, no Man can yet tell. Besides
 ‘ that, altho’ I have put down that Form of Warlike
 ‘ keeping of *Berwick*, yet are all those Commanders
 ‘ my Pensioners that were the late Queen’s Soldiers.
 ‘ And I hope I sustain a pretty Seminary of Soldiers
 ‘ in my Forts within this Kingdom, besides the two
 ‘ cautionary Towns in the Low Countries, *Flushing*
 ‘ and *Brill*. And as for *Ireland*, ye all know how
 ‘ uncertain my Charges are ever there, that People
 ‘ being so easily stirred, (partly thro’ their Barbarity
 ‘ and Want of Civility, and partly thro’ their Corrup-
 ‘ tion in Religion, to break forth in Rebellions. Ye
 ‘ know how unlook’d-for a Rebellion broke forth
 ‘ there the last Year, which could not but put me to
 ‘ extraordinary Charges. Besides, I do maintain
 ‘ there continually an Army, which is a goodly Se-
 ‘ minary of expert and old Soldiers; and I dare ne-
 ‘ ver suffer the same to be diminished, till this Planta-
 ‘ tion take Effect; which, no doubt, is the greatest
 ‘ Mote that ever came in the Rebels Eyes. And it
 ‘ is to be looked for, that if ever they will be able to
 ‘ make any Stir, they will press at it by all Means,
 ‘ for preventing and discouraging this Plantation.
 ‘ Now it is true that, besides all these honourable
 ‘ and necessary Occasions of my Charge, I have spent
 ‘ much in Liberality: But yet, I hope you will con-
 ‘ sider, that what I have given hath been given
 ‘ amongst you; and so what comes in from you,
 ‘ goes out again amongst you. But it may be thought
 ‘ that I have given much among *Scotsmen*: Indeed,
 ‘ if I had not been liberal in rewarding some of my
 ‘ old Servants of that Nation, ye could never have
 ‘ had Reason to expect my Thankfulness towards
 ‘ any of you that are more lately become my Sub-
 ‘ jects, if I had been ingrate to the old: And yet,
 ‘ ye will find, that I have dealt twice as much
 ‘ amongst *Englishmen* as I have done to *Scotsmen*.
 ‘ And,

* And, therefore, he that in your House was not
 * ashamed to affirm, that the Silver and Gold did so
 * abound in *Edinburgh*, was very far mistaken; but
 * I wish him no worse Punishment, than that he
 * should only live on such Profit of the Money there.
 * But I hope you will never dislike me for my Libe-
 * rality, since I can look very few of you this Day in
 * the Face, that have not made Suits to me, at least
 * for something, either of Honour or Profit. It is
 * true, a King's Liberality must never be dried up
 * altogether; for then he can never maintain nor
 * oblige his Servants and well-deserving Subjects:
 * But that Vastness of my Expence is past, which
 * I used the first two or three Years after my coming
 * hither: And, as I often used to say, that *Christ-*
 * *mas* and *Opentide* is ended: For, at my first coming
 * here, partly Ignorance of this State (which no Man
 * can acquire but by Time and Experience) and
 * partly, the Form of my coming being so honour-
 * able and miraculous, enforced me to extend my
 * Liberality so much the more at the Beginning. Ye
 * saw I made Knights then by Hundreds, and Barons
 * in great Numbers: But I hope you find I do not
 * so now, nor mind not to do so hereafter. For, to
 * conclude this Point, anent Expences, I hold that
 * a King's Expence must always be honourable,
 * though not wasteful, and the Charges of your King
 * in maintaining those antient honourable Forms of
 * Living, that the former Kings of *England*, my Pre-
 * decessors, have done, and his Living to be ruled
 * according to the Proportion of his Greatness, is as
 * well for the Honour of your Kingdom, as of your
 * King. Now this cannot be supplied out of the Air
 * or Liquid Elements, but must come from the Peo-
 * ple: And for removing of that Diffidence which
 * Men may have, that I mind not to live in any
 * wasteful Sort hereafter, will you but look upon
 * myself and my Posterity; and if there were no
 * more but that, it will teach you, that if I were but
 * a natural Man, I must needs be careful of my Ex-
 * pences: For, as to my own Person, I hope none
 * that knows me well, can think me but as little in-
 *

An. 7. James I.
 1609.
 March.

An. 7. James I.

1609.

March,

'clined to any prodigal Humours of unnecessary
 ' Things, as any other reasonable Man of a far
 ' meaner Estate. Therefore since, as I have said,
 ' I cannot be helped but from the People; I assure
 ' myself, that you will well allow me such Measure
 ' of Supply, as the People may bear, and support him
 ' with more honourable Means than others have had,
 ' that, as I may say without vaunting, hath brought
 ' you more Honour than ever you had: For I hope
 ' there are no good Subjects either within, or out
 ' of the Parliament House, that would not be con-
 ' tent for setting streight once, and settling the ho-
 ' nourable State of their King, to spare so much
 ' every one of them out of their Purses, which, per-
 ' adventure, they would in one Night throw away at
 ' Dice or Cards, or bestow upon a Horse for their Fan-
 ' cies, that might break his Neck or his Leg the next
 ' Morning: Nay, I am sure every good Subject would
 ' rather chuse to live more sparingly upon his own,
 ' than that his King's State should be in Want.

' For Conclusion then of this Purpose; I wish you
 ' now to put a speedy End to your Business. Free-
 ' ness in giving graceth the Gift; *Bis dat, qui cito*
 ' *dat*; the longer I want Help, the greater will my
 ' Debt still rise; and so must I look for the greater
 ' Helps: And now I would pray you to turn your
 ' Eyes with me from home, and look upon foreign
 ' States. Consider that the Eyes of all foreign States
 ' are upon this Affair, and in Expectation what the
 ' Success thereof will be; and, what can they think,
 ' if ye depart without relieving me in that Propor-
 ' tion that may make me able to maintain my State,
 ' but that either ye are unwilling to help me, think-
 ' ing me unworthy thereof, or at least, that my State
 ' is so desperate, as it cannot be repaired, and so that
 ' the Parliament parts in Disgrace with the King, and
 ' the King in Distaste with the Parliament, which
 ' cannot but weaken my Reputation both at home
 ' and abroad? For of this you may be assured, that
 ' foreign Princes care the more one for another, if
 ' they may have Reason to expect that they may be
 ' able to do them Good or Harm in Retribution;

and

and ye know, that if a King fall to be contemned
 with his Neighbours, that cannot but bring an Op-
 pression and War by them upon him, and then
 will it be too late to support the King, when the
 Cure is almost desperate. Things, foreseen and
 prevented, are ever easliest remedied; and, there-
 fore, I would advise you now so to settle your Busi-
 ness, as ye may not take in Hand so many Things
 at once, as may both cross my Errand, and every
 one of them cross another. Ye remember the
French Proverb, Qui trop embrasse, rien estreint:
 We are not in this Parliament to make our Testa-
 ment, as if we should never meet again, and that
 all Things that were to be done in any Parliament,
 were to be done at this Time: And yet, for filling
 up of your vacant Hours, I will recommend to
 your Consideration such Nature of Things as
 are to be specially thought upon in these Times.
 First, I will begin at God; for the Beginning with
 him makes all other Actions to be blessed; and
 this I mean by the Cause of Religion. Next, I
 will speak of some Things that concern the Com-
 monwealth. And, Thirdly, Matters of Pleasure
 and Ornament to the Kingdom.

As for Religion, we have all great Cause to take
 Heed unto it; Papists are waxed as proud, at this
 Time, as ever they were, which makes many to
 think they have some new Plot in Hand. And,
 although the poorest Sort of them be, God be
 thanked, much decreased, yet doth the greater
 Sort of them daily increase, especially among the
 feminine Sex; nay, they are waxed so proud, that
 some say no Man dare present them, nor Judges
 meddle with them, they are so backed and upholden
 by divers great Courtiers. It is a surer and better
 Way to remove the Materials of Fire before they
 be kindled, than to quench the Fire when once
 it is kindled.

Nam levius lædit quicquid prævidimus antè.

I do not mean by this to move you to make
 stronger Laws than are already made, but see those
 Laws may be well executed that are in Force;

An. 7. James. I.
 1609.
 March,

An. 7. James I.
1609.
March.

‘ otherwise, they cannot but fall into Contempt, and
‘ become rusty. I never found, that Blood and too
‘ much Severity did good in Matters of Religion;
‘ for, besides it being a sure Rule in Divinity, That
‘ God never loves to plant his Church by Violence
‘ and Bloodshed, natural Reason may even persuade
‘ us, and daily Experience proves it true, That when
‘ Men are severely persecuted for Religion, the Gal-
‘ lantness of many Men’s Spirits, and the Wilfulness
‘ of their Humours, rather than the Justness of the
‘ Cause, makes them to take a Pride boldly to en-
‘ dure any Torments, or Death itself, to gain thereby
‘ the Reputation of Martyrdom, though but in a
‘ false Shadow.

‘ Some Doubts have been conceived anent the
‘ Using of the Oath of Allegiance; and that Part
‘ of the Act, which ordains the taking thereof, is
‘ thought so obscure, that no Man can tell who
‘ ought to be pressed therewith. For I myself, when
‘ upon a Time I called the Judges before me, at their
‘ going to their Circuits, I moved this Question unto
‘ them; wherein, as I thought, they could not reso-
‘ lutely answer me: And therefore, if there be any
‘ Scruple, touching the Ministring of it, I would wish
‘ it now to be cleared. And since I have, with my
‘ own Pen, brought the Pope’s Quarrel upon me, and
‘ proclaimed public Defiance to *Babylon* in main-
‘ taining it; should it now sleep, and should I seem,
‘ as it were, to steal from it again?

‘ As for Recusants; let them be all duly presented
‘ without Exception: For, in Times past, there hath
‘ been too great a Connivance and forbearing of
‘ them, especially of great Men’s Wives, and their
‘ Kin, and Followers. None ought to be spared
‘ from being brought under the Danger of Law, and
‘ then it is my Part to use Mercy, as I think conve-
‘ nient. To wink at Faults, and not to suffer them
‘ to be discovered, is no Honour nor Mercy in a
‘ King, neither is he ever thanked for it; it only
‘ argues his Dulness: But to forgive Faults after they
‘ are confessed, or tried, is Mercy. And now, I
‘ must turn me in this Case to you, my Lords, the
‘ Bishops,

‘ Bishops, and even exhort you earnestly, to be more
 ‘ careful than you have been, that your Officers may
 ‘ more duly present Recusants than heretofore they
 ‘ have done, without Exception of Persons; that al-
 ‘ though it must be the Work of God that must
 ‘ make their Minds to be altered; yet at least, by
 ‘ this Course, they may be stayed from increasing,
 ‘ or insulting upon us.

An. 7. James L.
 1609.
 March.

‘ And that ye all may know the Truth of my Heart
 ‘ in this Case, I divide all my Subjects that are Pa-
 ‘ pists into two Ranks: Either old Papists, that were
 ‘ so brought up in Times of Popery, like old Queen
 ‘ Mary’s Priests; and those that, though they be
 ‘ younger in Years, yet have never drunk in other
 ‘ Milk, but been still nussed in that Blindness; or
 ‘ else such as do become Apostates, having once
 ‘ been of our Profession, and have forsaken the Truth,
 ‘ either upon Discontent, or Practice, or else upon a
 ‘ light vain Humour of Novelty, making no more
 ‘ Scruple to seek out new Forms of Religion, than if
 ‘ it were but a new Form of Garment, or a new Cut
 ‘ or Courtesy after the *French* Fashion.

‘ For the former Sort, I pity them; but if they be
 ‘ good and quiet Subjects, I hate not their Persons;
 ‘ and, if I were a private Man, I could well keep a
 ‘ civil Friendship and Conversation with some of
 ‘ them: But as for those Apostates, who, I know,
 ‘ must be greatest Haters of their own Sect, I confess
 ‘ I can never shew any favourable Countenance to-
 ‘ wards them, and they may all of them be sure, with-
 ‘ out Exception, that they shall never find any more
 ‘ Favour of me, further than I must needs, in Justice,
 ‘ afford them. And these would I have the Law to
 ‘ strike severeliest upon, and you carefullest to disco-
 ‘ ver. Ye know there hath been great Stir kept for
 ‘ begging Concealments these Years past; and, I
 ‘ pray you, let me beg this Concealment, both of
 ‘ the Bishops and Judges, that Papists be no longer
 ‘ concealed.

‘ Next, as concerning the Commonwealth; I do
 ‘ specially recommend unto you the Framing of some
 ‘ new Statute for Preservation of Woods. In the

An. 7. James I.
1609.
March.

‘ End of the last Session of Parliament, ye had a Bill
‘ amongst you of that Subject; but because you
‘ found some Faults therein, you cast out the whole
‘ Bill: But I could have rather wished, that ye had
‘ either mended it, or made a new one; for to cast
‘ out the whole Bill, because of some Faults, was
‘ even as if a Man, that had a new Garment brought
‘ him, would chuse rather to go naked, than have
‘ his Garment made fit for him: But, on my Con-
‘ science, I cannot imagine why you should so lightly
‘ have esteemed a Thing so necessary for the Com-
‘ monwealth, if it were not out of a little Froward-
‘ ness amongst you at that Time, that what I then
‘ recommended earnestly unto you, it was the worst
‘ liked of. The Maintenance of Woods is a Thing
‘ so necessary for this Kingdom, as it cannot stand,
‘ nor be a Kingdom, without it; for it concerns you
‘ both in your *Esse*, *bene Esse*, and in Pleasures.
‘ Your *Esse*; for without it you want the Use of one
‘ of the most necessary Elements, which is Fire and
‘ Fewel to dress your Meat with; for neither can
‘ the People live in these cold Countries, if they want
‘ Fire altogether, nor yet can you dress your Meat
‘ without it; and I think you will ill live, like the
‘ Cannibals, upon raw Flesh: For the Education of
‘ this People is far from that. As to your *bene Esse*;
‘ the Decay of Woods will necessarily bring the De-
‘ cay of Shipping, both which is the Security of this
‘ Kingdom, since God hath by Nature made the Sea
‘ to be the Wall of this Island; and the rather now,
‘ since God hath united it all in my Person and Crown;
‘ as also, by the Decay of Shipping, will you lose
‘ both all your foreign Commodities that are fit for
‘ this Country, and the venting of our own, which
‘ is the Loss of Trade, that is a main Pillar of this
‘ Kingdom. And, as for Pleasure, ye know my De-
‘ light in Hunting and Hawking, and many of your-
‘ selves are of the same Mind; and all this must
‘ needs decay, by the Decay of Woods: Ye have
‘ Reason therefore to provide a good Law upon this
‘ Subject.

‘ Now

An. 7. James I.
1609.
March.

‘ Now as to the last Point, concerning Matters
‘ of Pleasure, it consists in the preserving of Game,
‘ which is now almost utterly destroyed through all
‘ the Kingdom. And if you offer not now a bet-
‘ ter Law for this, than was made in the last Session
‘ of Parliament, I will never thank you for it: For,
‘ as for your Law anent Partridge and Pheasant, you
‘ have given Leave to every Man, how poor a Far-
‘ mer that ever he be, to take and destroy them in his
‘ own Ground how he lists. But, I pray you, how
‘ can the Game be maintained, if Gentlemen that
‘ have great Lordships shall breed and preserve them
‘ there, and so soon as ever they shall but fly over the
‘ Hedge, and light in a poor Fellow’s Close, they shall
‘ all be destroyed? Surely I know no Remedy for
‘ preserving the Game that breeds in my Grounds,
‘ except I cast a Roof over all the Ground, or else
‘ put Veruels to the Partridges Feet with my Arms
‘ upon them, as my Hawks have; otherwise I know
‘ not how they shall be known to be the King’s
‘ Partridges, when they light in a Farmer’s Close.

‘ And, by your Law against stealing of Deer or
‘ Conies, after a long Discourse and Prohibition of
‘ stealing them, you conclude, in the End, with a
‘ Restriction, that all this Punishment shall be un-
‘ derstood to be used against them that steal the Game
‘ in the Night; which hath much encouraged all the
‘ looser Sort of People, that it is no Fault to steal
‘ Deer, so they do it not like Thieves in the
‘ Night. As was that Law of the *Lacedemonians*
‘ against Theft, that did not forbid Theft, but only
‘ taught them to do it cunningly, and without Dis-
‘ covery; whereupon a foolish Boy suffer’d a Fox
‘ to gnaw his Heart through his Breast. And
‘ this Doctrine is like that Lesson of the Canon
‘ Law, *Si non castè, tamen cautè*. I know you think
‘ that I speak partially in this Case, like a Hunter;
‘ but there is never a-one of you that hears me, that
‘ cares the least for the Sport, or for the Preservation
‘ of the Game, but he would be as glad to have a
‘ Pasty of Venison, if he might get it, as the best
‘ Hunter

An. 7. James I.

1609.

March.

‘ Hunter would ; and if the Game be not preserv’d,
 ‘ you can eat no Venison. As, for Partridge and
 ‘ Pheasant, I do not deny that Gentlemen should
 ‘ have their Sport, and specially upon their own
 ‘ Ground : But, first, I do not think such Game
 ‘ and Pleasures should be free to base People : And,
 ‘ next, I would even wish that Gentlemen should
 ‘ use it in a Gentleman-like Fashion, and not with
 ‘ Nets, or Guns, or such other ungentleman-like
 ‘ Fashions, that serve but for utter Destruction of
 ‘ all Game : Nor yet to kill them at unseasonable
 ‘ Times, as to kill the Pheasants and Partridges when
 ‘ they are no bigger than Mice ; when, as for every
 ‘ one their Hawks kill, ten will be destroyed by
 ‘ their Dogs and Horses Feet ; besides the great and
 ‘ intolerable Harm they do to Corn in that Season.

‘ And now, in the End of all this fashious Speech,
 ‘ I must conclude like a Grey Fryar, in speaking for
 ‘ myself at last. At the Beginning of this Session of
 ‘ Parliament, when the Treasurer opened my Ne-
 ‘ cessities unto you, then my Purse only laboured ;
 ‘ but now that Word is spread both at home and
 ‘ abroad of the Demands I have made unto you ;
 ‘ my Reputation laboureth as well as my Purse :
 ‘ For if you part without the repairing of my State
 ‘ in some reasonable Sort, what can the World
 ‘ think, but that the evil Will my Subjects bear un-
 ‘ to me hath bred a Refuse ? And, ye can never part
 ‘ so, without apprehending that I am distasted with
 ‘ your Behaviour, and yet to be in Fear of my Dis-
 ‘ pleasure : But I assure and promise myself far
 ‘ otherwise.

‘ Thus I have now performed my Promise, in
 ‘ presenting unto you the Chrystal of your King’s
 ‘ Heart.

‘ Ye know that principally by three Ways ye may
 ‘ wrong a Mirrour.

‘ *First*, I pray you, look not upon my Mirrour
 ‘ with a false Light ; which ye do, if ye mistake or
 ‘ misunderstand my Speech, and so alter the Sense
 ‘ thereof.

‘ But,

‘ But, *secondly*, I pray you beware to soil it with
‘ a foul Breath and unclean Hands: I mean, that
‘ ye pervert not my Words by any corrupt Affec-
‘ tions, turning them to an ill Meaning, like one
‘ who, when he hears the tolling of a Bell, fancies
‘ to himself that it speaks those Words which are
‘ most in his Mind.

An. 21. James I.
1623.
March.

‘ And, *lastly*, which is worst of all, beware to let
‘ it fall or break, for Glasse is brittle; which ye do,
‘ if ye lightly esteeme it; and, by contemning it,
‘ conform not yourselves to my Persuasions.

‘ To conclude then: As all these three Days of
‘ Jubile have fallen in the Midst of this Season of
‘ Penitence, wherein you have presented your
‘ Thanks to me, and I the like again to you; so do
‘ I wish and hope that the End of this Parliament
‘ will be such, as we may all have Cause (both I
‘ your Head, and ye the Body) to join in Eucharistic
‘ Thanks and Praises unto God, for our so good
‘ and happy an End.’

In Vol. VI. at p. 97, Prince *Charles’s* Speech to
both Houses in the Painted-Chamber, *March 11,*
1623, being given only by Way of Report, the Ma-
nuscript aforesaid has it at Length, as follows:

MY Lord-Treasurer having, by his Majesty’s
Command, made Relation of the great Ne-
cessities of his Majesty’s Estate, some Doubts might
arise, what the King’s End might be therein. I was
then present in the House when this Doubt did arise,
I therefore thought fit to give my Sense thereof.

The Prince’s
Speech to both
Houses, *March*
11, 1623.

The King by this intends you shall see, that,
upon your Counsel, he was not able of himself, of
his own Strength, to engage himself into a War:
Thereupon the King commands me to declare that
unto you, fearing lest the same might also rise among
you. And I conceive it thus:

His Desire was not that we should consider of
his Estate purely; but when we have resolved upon
the first, then will it appear that it is no difficult
Matter to establish his own Estate.

Another

36 A P P E N D I X.

An. 22. James I.
1624.
May.

Another Doubt there was in my own Mind, that some amongst you might fear, lest now, when these Things should be settled, the King would be slower in calling you hither again.

I will put you in Mind of the last Part of the King's Speech, That he hopes to be in Love with Parliaments. But having Occasion to send to the King about other Business, I find him willing, and very willing, to call you often. But this is of my own Head.

I desire you now to consider how far this Business is gone, and that it requires Expedition, as the King my Father desired it in his last Speech.

How far forth this Year is past, and how far you have exasperated those, whom we conceive may be our Enemies; prepare yourselves so, as that we may not only shew our Teeth, but bite also if there be Occasion.

Consider also how much the King's Honour and mine is engaged: If you should fail in this, it would be dishonourable to yourselves, as well as to myself. You shall oblige me, who am now first entering into the World; when Time shall serve hereafter, you shall not think your Labour ill bestowed.

The following Speech of his Majesty to both Houses, the 24th of May, 1624, seems to be a short Answer to a long Petition of the Commons to the King, printed in this Work, Vol. VI. p. 322, &c. against the Growth of Popery, &c. and therefore should fall in about p. 330, *ibidem*.

My Lords, and Gentlemen of both Houses,

King James's
Speech to both
Houses, May 24,
1624.

‘ **T**HOUGH I cannot but commend your
‘ Zeal in offering this Petition to me, yet, on
‘ the other Side, I cannot but hold myself unfortu-
‘ nate that I should be thought to need a Spur to do
‘ that which my Conscience and Duty binds me
‘ unto. What Religion I am of my Books do de-
‘ clare, my Profession and Behaviour do shew. I
‘ hope in God I shall never deserve it; and, for my
‘ Part, I wish it might be written in Marble, and
‘ remain

' remain to all Posterities as a Mark upon me, when An. 22. James I.
 ' I shall swerve from my Religion; for he that doth 1624.
 ' dissemble with God is not to be trusted of Man.

' My Lords, I protest before God, my Heart hath
 ' bled when I have heard of the Increase of Popery;
 ' God is my Judge, that it hath been such a great
 ' Grief unto me, that it hath been as Thorns in
 ' mine Eyes, and Pricks in my Sides: And so far
 ' ever have I been, and shall be, from turning any
 ' other Way.

' And, my Lords and Gentlemen, you all shall
 ' be my Confessors, that, one Way or other, it hath
 ' been my Desire to hinder the Growth of Popery;
 ' and I could not be an honest Man if I should have
 ' done otherwise.

' And this I may say further, That if I be not a
 ' Martyr, I am sure I am a Confessor; and, in some
 ' Sort, I may be called a Martyr, as, in the Scrip-
 ' ture, *Isaac* was persecuted by *Ishmael* by mocking
 ' Words; for never King suffered more by ill
 ' Tongues than I have done, and I am sure for no
 ' Cause, for I have been far from Persecution, for I
 ' have ever thought that no Way ever more increa-
 ' sed any Religion than Persecution, according to
 ' that Saying, *Sanguis Martyrum est Semen Ecclesiæ.*

' Now, my Lords and Gentlemen, for your Pe-
 ' tition: I will not only grant the Substance of what
 ' you crave, but add something of my own; for two
 ' Treaties being already annulled, as I have declared
 ' them to be, that necessarily follows of itself which
 ' you desire; and therefore it needeth no more, but
 ' that I do declare by Proclamation, which I am
 ' ready to do, that the Jesuits and Priests do depart
 ' by a Day: But it cannot be as you desire by one
 ' Proclamation to be out of all my Dominions; for
 ' a Proclamation here extends but to this Kingdom.
 ' This I will do, and more; I will command all my
 ' Judges, when they go their Circuits, to keep the
 ' same Course for putting all the Laws in Execution
 ' against the Recusants, which they were wont to do
 ' before these Treaties; for the Laws be still in
 ' Force, and were never dispensed by me. God is
 ' my

An. 22. James I.

1624.

May.

‘ my Judge, they were never intended so by me ; but,
 ‘ as I told you in the Beginning of the Parliament, you
 ‘ must give me Leave, as a good Horseman, some-
 ‘ times to use the Reins, and not always to use the
 ‘ Spur ; so now there needs nothing but my Decla-
 ‘ ration ; and, for disarming of them, that is already
 ‘ done by the Laws, and it shall be done as you de-
 ‘ sire it.

‘ And more ; I will take Order for preventing of
 ‘ this shameful Disorder of the resorting of my Sub-
 ‘ jects to all foreign Ambassadors ; and of this I will
 ‘ advise with my Council how this may best be per-
 ‘ formed. It is true, that the Houses of Ambassa-
 ‘ dors are privileged Places, and though they can-
 ‘ not take them out from their Houses, yet my Lord
 ‘ Mayor, and Mr. Recorder, of the City of *London*,
 ‘ may take them as they come from thence, and
 ‘ make some of them Examples.

‘ Another Point I will add concerning the Edu-
 ‘ cation of their Children, of which I have had a
 ‘ principal Care, as my Lord of *Canterbury*, the Bi-
 ‘ shop of *Winchester*, and other Lords of my Coun-
 ‘ cil, and indeed all my Council can bear me Wit-
 ‘ ness, with whom I have advised concerning this
 ‘ Business ; for, in good Faith, it is a Shame their
 ‘ Children should be so bred up in *Madrid*, or in
 ‘ *Rome* : So I do grant not only your Desire, but
 ‘ more. I am sorry I was not the first Mover of it
 ‘ unto you ; but if you had not moved this to me,
 ‘ yet I would have done it of myself.

‘ Now for the last Part of your Petition : You
 ‘ have therein given me the best and wisest Advice in
 ‘ the World ; for it is against the Rule of Wisdom
 ‘ that a King should suffer any of his Subjects to be
 ‘ beholden, or to depend upon any other than him-
 ‘ self. And what hath any King to do with the Laws
 ‘ and Subjects of another Kingdom ? And therefore
 ‘ assure yourselves, by the Grace of God, I will be
 ‘ careful that no such Condition be foisted in or
 ‘ upon any other Treaty whatsoever ; for it is fit
 ‘ my Subjects should stand or fall to their own
 ‘ Lords.’

In

In the old Manuscript before-quoted, we meet An. 22. James I.
with a Petition to the King, from the House of 1624.
Commons, complaining much of divers Grievances May.
occasioned by Monopoles, &c. This Petition is
without Date, so that we know not the express
Time when it was presented: But it seems to have
been presented to the King just before the Conclu-
sion of this Session of Parliament, because his Speech,
at that Period, is, in some Measure, an Answer to
it. Vol. VI. p. 337.

Most Gracious Sovereign,

WE your most loyal and loving Subjects the Complaints on
Commons, by your Royal Authority as Grievances.
sembled out of all the Parts of your Realm of
England, in this present Parliament, as well out
of Duties and Zeal to your Majesty, as out of the
Sense of that just Grief wherewith your Subjects
are generally afflicted, do, in all Humility, pre-
sent the Complaint of the Commons of your Realm
against those Grievances ensuing to your gracious
View, humbly and instantly praying due Redress
thereof.

F I S H.

Whereas upon divers Suggestions, and to set
forward the Plantation in *New-England*, your
Majesty did grant your Letters Patent, bearing
Date the third of *November*, in the 18th Year of
your Reign, unto Sir *Ferdinand Gorges*, and other
Patentees, whereby your Majesty prohibited all
your Subjects to visit the Coast, without the Li-
cense of the Patentees; and, by Pretext thereof,
your Majesty's Subjects have been interrupted to
fish in the main Sea upon the same Coasts: In
which Letters Patent it is further contained, *That*
if any of your Subjects should offend contrary to the
same, they should forfeit their Ships and Goods,
the one Moiety thereof to your Majesty, and the
other Moiety to the Patentees. Now, in respect
the Trade of Fishing is a most beneficial Trade
to this Realm for the Increase of Shipping, Navi-
gation, and Mariners, and the bringing in of Bul-
lion

An. 22. James I.

1624.

May.

‘ lion and Viſuals to a very great yearly Value
 ‘ and Supply; and yet the free Exerciſe thereof is
 ‘ reſtrained by the ſaid Letters Patent, contrary to
 ‘ Law, and to the general Damage of this Realm;
 ‘ and forasmuch as the ſaid Grievance was complain-
 ‘ ed of, and examined by and before the Commons
 ‘ in this preſent Parliament, and the ſaid Sir *Fer-*
 ‘ *dinand Gorges*, who undertook the Defence there-
 ‘ of, for himſelf and other the ſaid Patentees, be-
 ‘ ing called hereunto, and at ſeveral Days deliberated
 ‘ and fully heard therein, by himſelf and his learned
 ‘ Counſel, could not defend the ſame; and yet the
 ‘ Premises¹, notwithſtanding your loving Subjects
 ‘ may be hereafter vexed as heretofore they have
 ‘ been, by Colour of the ſaid Patents, ſo far as they
 ‘ concern the Prohibition of free Fiſhing, and the
 ‘ Incidents thereunto, and the Confiſcation of Ships
 ‘ and Goods, and all Reſtraints and Penalties there-
 ‘ in contained, concerning free Fiſhing, and which
 ‘ may hinder the ſame, to be utterly void and againſt
 ‘ your Laws, and never hereafter to be put in Exe-
 ‘ tion.

GOLD WIRE-DRAWERS.

‘ Whereas, within the City of *London*, there was
 ‘ an antient Art and Trade of Gold Wire-Drawing,
 ‘ exerciſed by divers, being Members of the Cor-
 ‘ poration of Goldſmiths of *London*, whereby they
 ‘ maintained not only themſelves and their Families,
 ‘ but alſo ſet many other Perſons on Work, untill
 ‘ one *Matthias Fowle* and others (Men never bound
 ‘ Apprentices in the ſaid Trade according to the
 ‘ Law) obtained from your Maſteſty Letters Patent,
 ‘ bearing Date the 14th of *June*, in the 21ſt Year of
 ‘ your Reign; whereby they were incorporated by
 ‘ the Names of *Gold Wire-Drawers* of the City of
 ‘ *London*, the Governor, the Aſſiſtant, and Commo-
 ‘ nalty, upon Suggeſtion that they would import from
 ‘ foreign Parts, to be converted into current Coin
 ‘ of this Kingdom, ſo much foreign Gold and Silver
 Coin

¹ There ſeems to be ſomething wanting here in the MS. to com-
 plet the Senſe.

' Coin and Bullion, as should countervail the Bul- An. 22. James I.
 ' lion they should use in making Gold Wire and 1624.
 ' other Manufactures; and also the same Gold
 ' Wire should be of a sufficient Goodness, and sold
 ' at the like or cheaper Rates than the same was
 ' before the said new Corporation: And, by the
 ' said Letters Patent, the said Gold Wire-Drawers,
 ' antiently brought up to and using the said Trade,
 ' were prohibited to use or exercise the same any
 ' more. And further, your Majesty, by the said
 ' Letters Patent, at the Prayers of the Persons so
 ' newly incorporated, did impose Sixpence upon
 ' every Ounce of Gold Wire that should be made
 ' or sold by them within this Realm.

' The humble Petition of your Subjects is, That
 ' your Majesty will be graciously pleased to publish
 ' and declare the same accordingly, and that the
 ' said Letters Patent should never hereafter be put
 ' in Execution.

CONCEALMENTS and DEFECTIVE TITLES.

' And whereas your Majesty, of your blessed Dis-
 ' position, taking Care of the Quiet and Ease of
 ' your Subjects, who had been intolerably vexed by
 ' Comptrollers or Overseers of defective Titles
 ' under your Great Seal, forbid all Men to propound
 ' or offer to sue for any such Lands, for that in your
 ' Royal Judgment they were Things fit to be mea-
 ' sured by the Rules of your Majesty's own Con-
 ' science; yet Sir *John Townshend*, Knt. not regard-
 ' ing your Majesty's Royal Commandment, hath,
 ' by Colour of his Letters Patent, obtained since
 ' your Majesty's said Prohibition, of fifteen Hospitals
 ' employed for the Furtherance and Relief of old,
 ' poor, and impotent People, and many other Lands
 ' and Tenements in divers Counties and Parts of
 ' your Realm, in the Possession of your Subjects,
 ' extremely vexed by unjust Suits in your Majesty's
 ' Name; and otherwise the Governors and Poor
 ' of the said Hospitals, and other your Majesty's
 ' Subjects, to their great Charge and Hinderance,
 ' and almost Undoing.

' Our

42 A P P E N D I X.

An. 22. James I.

1624.

May.

‘ Our humble Petition to your Majesty is, That
 ‘ the said Letters Patent, for the Causes aforesaid,
 ‘ may be called in, and cancelled; and that the said
 ‘ Sir *John Townshend*, and all claiming under him,
 ‘ may be by your Majesty prohibited to vex or trou-
 ‘ ble any of your Majesty’s Subjects, by Pretext or
 ‘ Colour of the same.

B R I E F S.

‘ And whereas Licenses under the Seal, to gather
 ‘ Monies of your Subjects, to Persons pretending
 ‘ Losses by Fire or otherwise, be against the Statute
 ‘ in that Case made and provided, are grown to such
 ‘ excessive Numbers, that many Mischiefs and In-
 ‘ conveniences thereupon ensue, in all Parts of your
 ‘ Realm.

‘ Our Suit to your Majesty is, That the Statute
 ‘ in that Case made may be observed, and that no
 ‘ such Licenses may be hereafter granted.

A P O T H E C A R I E S.

‘ Whereas the Apothecaries of the City of *Lon-*
 ‘ *don* have been antiently Members of the Compa-
 ‘ ny of Grocers of the same City; and whereas the-
 ‘ said Grocers did, and do, far exceed the Number
 ‘ of Apothecaries, and did even buy and sell all
 ‘ Manner of Drugs as well as Apothecaries, which
 ‘ Drugs, at several Times of the Year, were, by the
 ‘ President and Censor of the Colledge of the Phy-
 ‘ sicians, searched and viewed whether the same
 ‘ were useful or not; and whereas as well the said
 ‘ Grocers as others did use to distill all Kinds of
 ‘ Waters, a great Part whereof was transported be-
 ‘ yond the Seas, to your Majesty’s great and yearly
 ‘ Benefit; the said Apothecaries, without Consent
 ‘ of the said Grocers, obtained Letters Patent, bear-
 ‘ ing Date the 6th of *December*, in the 15th Year of
 ‘ your Majesty’s Reign, whereby the said Apothe-
 ‘ caries are incorporated and divided from the Com-
 ‘ pany of Grocers; by Colour of which said Letters
 ‘ Patent, the Apothecaries have appropriated to
 ‘ themselves the whole Buying and Selling of all
 ‘ Drugs, and the whole Distillation and Selling of
 ‘ all

all Waters within the said City and seven Miles
thereabout; which dividing of the Apothecaries
from the Grocers without their Consent, and the
appropriating of the Distillation of the said Waters
unto the Apothecaries, and the sole Selling there-
of by them, is against the Law, to the impoverish-
ing of many Persons and their Families.

An. 22, James I,
1624.
May,

Your loyal Subjects, therefore, humbly pray
your Majesty graciously to be pleased to declare the
said Letters Patent to be void, and that the same
shall not hereafter be put into Execution.

WINTERTONNESS LIGHTS.

Whereas, by an Act of Parliament, Power and
Authority to erect Beacons, Marks, and Signs for
the Sea, was given to the Master, Wardens, and
Assistants of the *Trinity-House*, as to Men skill-
ful and expert in that Behalf; and whereas, at
the earnest Request of the Seafaring Men passing
by the Coasts of *Norfolk*, they, at their own Costs
and Charges, erected a Sign for the Sea, commonly
called a Light-House of Stone, at *Wintertonness* in
Norfolk, and agreed to take, and did take, but Six-
pence for every twentieth Chaldron of Coals of
Ships passing that Way.

So it is that Sir *John Meldrum*, upon Suggestion
that there was Want of a Light-House at *Wintertonness*, obtained of your Majesty Letters Patent,
to erect a Light-House there, which Letters, be-
ing made upon that Consideration, were void in
Law; for that there had been a Light-House there
by the Space of half a Year, or thereabouts: And
tho' it were true, as Sir *John Meldrum* pretended,
that he had petitioned to your Majesty for Erec-
tion of a Light-House, before the said Light-House
of Stone was erected, yet the said Letters Patent
are void in Law, for that they of the *Trinity-House*,
having Authority as is aforesaid by Act of Parlia-
ment, did, before the said Letters Patent, erect a
Light-House as is aforesaid; where they of the
Trinity did take but Sixpence for every twenty
Chaldron of Coals, the said Sir *John Meldrum*, by
VOL. XXIII. K Colour

An. 22. James I.

1624.

May.

‘ Colour of the said Letters Patent, for every twenty Chaldron of Coals, hath taken three Shillings and Fourpence, and will not suffer the Ships to make their Entries, or take Cocquets, before they pay the said excessive Duty of three Shillings and Fourpence, to the intolerable Damage and Loss of your Subjects, he hath taken after the Rate of three Shillings and Fourpence of divers Seafaring Men, that sail not that Way, nor in their Course could take any Benefit of the said Light-House.

‘ Our humble Petition is, That your Majesty will be pleased to publish the said Letters Patent to be void in Law, and to command that they be no more put in Execution.

Sir SIMOND HARVY.

‘ The said Sir *Simond Harvy*, of his own Authority, made Warrants to divers Constables of the County of *Hertford* for taking Malt for your Majesty’s Provision; which, by Colour thereof, was taken accordingly, and paid not such Prices for the same as, if the Taking had been lawful, they ought to have received.

‘ He, in your Majesty’s Name, likewise caused to be taken of *Quested*, a Fishmonger of *London*, a great Quantity of Lings for his Majesty’s Provision, where he ought not to have taken the same, and yet paid not therefor as; if the Taking had been lawful, he ought to have done.

‘ He hath, wittingly and willingly, over-charged divers Counties, as *Hertfordshire*, *Essex*, and *Hampshire*, with Carriages for your Majesty, he not finding any or proportionable Carriages for such Counties as had compounded; whereby your Majesty’s Subjects were grievously oppressed.

‘ Whereas the Words of Composition and Covenant for Purveyance of Oxen, &c. be, *That all Undertakers should have their Monies immediately upon the Delivery of their Provisions*, the Undertakers of *Buckinghamshire*, *Berkshire*, *Herefordshire*, *Gloucestershire*, *Lancashire*, *Cheshire*, *Yorkshire*, *Wiltshire*, and many other Counties, having

‘ delivered

' delivered good and serviceable Oxen, &c. and so
 ' allowed by your Majesty's Officers, and going to
 ' Sir *Simon*, with a Debenture for Money, was an-
 ' swered, That they could have none; to the ex-
 ' treme Hinderance of all, and the utter Undoing of
 ' some of them; whereas, before Sir *Simon* became
 ' Officer, they were duly paid according to the said
 ' Composition.

An. 22. James I.
 1624.
 May.

' It hath been testified unto us, that 2000 *l.* will
 ' not set your Honourable Household in so good Case
 ' and Order as it was before he came to intermeddle
 ' with the same; for, before his Time, your Ma-
 ' jesty had usually in Store 500 Quarters of Wheat,
 ' 200 Oxen, 2000 Muttons, 5000 *l.* in Hay and
 ' Oats, and other Provisions; whereas now your
 ' Majesty hath none, or very little; for he takes this
 ' Course, that he selleth the good and fat Oxen and
 ' Muttons, and buying Meat from the Butchers,
 ' many Times your Household hath been very ill
 ' served, to the great Dishonour of your Majesty.

' And, to shew the bad Disposition of this needy
 ' Person, the said Sir *Simon Harvey* hath, cunningly
 ' and treacherously, cozen'd and cheated *Liekland*,
 ' one of your Majesty's Servants, of 530 *l.*

' We your humble Subjects that are ever, and
 ' shall be, sensible both of your Majesty's Honour
 ' and Profit, thought it our bounden Duties to in-
 ' form your Majesty of these Particulars, not having
 ' Time to examine any more, to the End that the
 ' said Sir *Simon* may (to terrify others offending in
 ' the like) receive condign Punishment, according
 ' to the Merit and Justice of his Cause.

GOALS.

' Whereas, by the common Laws and Statutes
 ' of this Realm, the Custody, Rule, Keeping, and
 ' Charge of every of your Majesty's common Goals,
 ' Prisons, and Prisoners, in every County within this
 ' your Realm of *England*, doth belong to the She-
 ' riff of the said County, as incident to his Office;
 ' and the said Sheriff only, and no more, is account-
 ' able and answerable, as well to your Majesty, as

An. 22. James I.

1624.

May.

‘ to all and every of your Subjects, for all Prisoners
 ‘ committed to the said Goals, and is to pay and
 ‘ satisfy all the Debts and Damages, for which any
 ‘ Prisoner is thereunto committed, if he, by any
 ‘ Means, escape out of the same; and therefore all
 ‘ Grants of the Custody of such Goals made by your
 ‘ Majesty’s Predecessors, Kings or Queens of this
 ‘ Realm, have heretofore, in the Time of Queen
 ‘ *Elizabeth*, by the Resolution of the Judges, been
 ‘ declared to be void.

‘ And whereas, also, in your Majesty’s Counties
 ‘ of *York* and *Lancaster*, and other Counties of this
 ‘ Realm, where common Goals have not been erect-
 ‘ ed by Statute in other Places, then your Majesty’s
 ‘ Castles, the common Goals of every County
 ‘ have been kept in some of your Majesty’s own
 ‘ Castles, of which Castles, as well as of the Goals
 ‘ therein, the Sheriff of the said County for the Time
 ‘ being hath had the Custody under your Majesty,
 ‘ or your Predecessors, Kings or Queens of this
 ‘ Realm, as belonging to his Sheriffwick; and there-
 ‘ fore all Letters Patent, and Grants of the Custody
 ‘ of any common Goal in any County of this Realm,
 ‘ made to other Person or Persons for Life or Years,
 ‘ than the Sheriff of the said County, in the Time of
 ‘ *Henry VII.* have been declared to be utterly void.

‘ Therefore your Majesty’s most loyal Subjects of
 ‘ your Commons House of Parliament most humbly
 ‘ beseech your Majesty, that it would please your
 ‘ Highness, out of your Zeal to public Justice, to
 ‘ revoke and make void all Letters Patent and Grants
 ‘ of the Custody of any common Goal, in any County
 ‘ of this Realm, made to other Person or Persons
 ‘ than the Sheriff of the said County for the Time
 ‘ being.

‘ And that, of your Royal Grace, it would like-
 ‘ wise please your Majesty, that the Sheriffs of the
 ‘ said Counties of *York* and *Lancaster*, and of all other
 ‘ Counties where the common Goal of the County
 ‘ hath been usually heretofore, and still is, kept in
 ‘ some of your Majesty’s Castles in the said Counties,
 ‘ may have the Custody of these Castles, as belong-
 ‘ ing

ing to their Office, for the necessary Service of your Majesty, and general Good of the Commonwealth, for the due keeping of all Prisoners in the said Counties.

An. 22. James I.
1624.
May.

SEA-COALS.

Whereas it pleased your Majesty, the 22d Day of September, in the 21st Year of your happy Reign over us, to grant unto Sir Robert Sharpleigh, Knt. and Alexander Hetley, Esq; a Patent of surveying Ships of Newcastle Coals, with a Fee of 3d. upon the great Chaldron; and whereas, likewise, it pleased your Majesty, by Sir John Sucklyng, Knt. Comptroller of your Majesty's Household, and a Member of our House, to intimate unto us your gracious Intention to have the said Letters Patent considered upon by your Privy Council, between this and the next Session of Parliament, according to a Clause in the said Letters Patent contained; and thereupon, out of your Princely Care, to provide against any Inconveniencé that might grow to your Subjects thereby, we your Majesty's most loyal and dutiful Commons, with all humble Thankfulness, acknowledging your Majesty's most Princely Grace and Justice, and accounting it a singular Happiness to live under the Government of a King so just, and ready to hear the Grief and Complaint of his poor Subjects, have nevertheless thought it our Duties, and agreeable to the Fundamental Rights and Liberties of Parliament, more fully at this Time to make known unto your Majesty the just Grievance of your People, by and upon Occasion of his Patent, whereof your Majesty can no ways be so properly, truly, and thoroughly informed as your Commons assembled in Parliament.

May it therefore please your Most Excellent Majesty, to take Notice that this Patent is not only in itself unlawful, as being grounded upon many untrue Suggestions, and burdensome unto your People in laying a new Charge upon them without common Consent; but tends also to the

An. 22. James I.

1624

May.

‘ great Decay of the Navigation of this Kingdom,
 ‘ and to the great Diminution of a Profit which your
 ‘ Majesty receiveth upon *Newcastle* Coals; the Trade
 ‘ whereof, by Occasion of this new Office, hath
 ‘ been, and is like to be, interrupted; and we do
 ‘ plainly find that this Patent, in Consequence, is of
 ‘ a very dangerous Nature, and reacheth to the Sub-
 ‘ version of the Property, which your Subjects, by
 ‘ the Laws of your Kingdom, have, and of Right
 ‘ ought to have, in their Goods and Estates, amount-
 ‘ ing, in Effect, to an Imposition upon a native and
 ‘ necessary Commodity to be expended within this
 ‘ Realm, which your Majesty hath been pleased,
 ‘ in open Parliament, to disclaim any Right at all
 ‘ unto, and graciously to protest, that you did abhor
 ‘ either to express or claim any such Power; it be-
 ‘ ing the undoubted Right of your Subjects, that no
 ‘ Burden of this Kind be laid upon them without
 ‘ their own voluntary Consent in Parliament.

‘ Wherefore, in all Humbleness, we do, upon
 ‘ this Occasion, present unto your sacred Wisdom,
 ‘ our most just Complaints and Fears; herein, most
 ‘ humbly and instantly, beseeching your gracious
 ‘ Goodness to secure the Hearts of your loving Sub-
 ‘ jects against this and the like in Time to come, by
 ‘ being pleased to take such a Course for the Calling
 ‘ in of that Patent, as to your Princely Wisdom
 ‘ you shall think most fit; and we are full of Hope,
 ‘ that, out of your further Grace, you will be plea-
 ‘ sed to make known to your whole Kingdom, your
 ‘ just Indignation and Displeasure against such as
 ‘ shall presume to offer to your Majesty any Suit of
 ‘ this Nature.

POPISH BOOKS.

‘ That whereas your Most Excellent Majesty, at
 ‘ the humble Petition of your Lords and Commons
 ‘ in this present Parliament assembled, hath, to the
 ‘ great Comfort of all your religious and well-affect-
 ‘ ed Subjects, by your Proclamation, banished all Je-
 ‘ suits and Priests out of these your Dominions, at
 ‘ a Day certain, not to return under such Pains as,
 ‘ by the Laws now in Force, are justly to be inflicted;
 ‘ that,

' that, nevertheless, it is apparent, that the said tur-
 ' bulent and ill-affected Persons, the better to infi-
 ' nuate themselves, and those of their Faction, in
 ' the Favours and good Opinion of such as, of meaner
 ' Judgment and meaner Capacities, have of late,
 ' more than heretofore, taken the Boldness to di-
 ' vulge and disperse sundry Popish, seditious, and
 ' pestilent Books and Pamphlets throughout all the
 ' Parts of this your Kingdom, whereof there is a
 ' Catalogue extant in Print of 150 at the least,
 ' printed and published here within this two or three
 ' Years, besides no small Number of that Kind daily
 ' imported from Parts beyond the Seas, and ordi-
 ' narily sold and vended amongst us; by Means
 ' whereof they endeavour not only to corrupt the
 ' Youth of this Realm, to deprave and scandalize
 ' the true Religion here established, and to advance
 ' the Power and Authority of the See of *Rome*; but,
 ' as much as in them lieth, to withdraw the Hearts
 ' of your faithful and loyal Subjects from their due
 ' Obedience to your Royal Majesty.

An. 22. James I.
 1624.
 May.

' May it therefore please your Majesty, at the
 ' humble Suit of your Commons in this present Par-
 ' liament assembled, in a Cause so highly concern-
 ' ing the Glory of God, the Preservation of your
 ' Majesty's Person, Religion, and Estate, that such
 ' speedy Course may be taken for the suppressing of
 ' all such seditious and Popish Books and Pamphlets,
 ' and to prevent the printing and importing of any
 ' such as, in your Majesty's Royal Judgment, shall
 ' seem most meet and convenient; and that the
 ' Laws in Force against the Offenders may be put
 ' in Execution.

BUILDING.

' Whereas your Majesty, amongst many of your
 ' Royal Favours and Gracious Promises, offered
 ' your loyal Subjects, upon Consideration of a Pe-
 ' tition of Grievance presented to your Majesty in
 ' the eighth Year of your happy Reign over us, by
 ' the Commons then assembled in Parliament, was
 ' pleased to promise that such Proclamations as were
 ' then

An. 22. James I.

1624.

May.

‘ then past should be reformed, where Cause should
 ‘ be found; and that, for the future Time, none
 ‘ should be made, but such as should stand with the
 ‘ former Laws and Statutes of this Kingdom, and
 ‘ such as, in Cases of Necessity, your Royal Pro-
 ‘ genitors had used in Times of the best and happy
 ‘ Government of this Realm.

‘ Nevertheless, some of the said Proclamations,
 ‘ then complained of, stand in Force, and have been
 ‘ oftentimes since (by other Proclamations touch-
 ‘ ing the said former Proclamations) Precedents
 ‘ to warrant the latter; amongst which we present
 ‘ to your Princely Wisdom the several Proclama-
 ‘ tions concerning Buildings; which is a great Gri-
 ‘ vance to the Freedom and State of the Subjects,
 ‘ in that they cannot repair or amend their Houses
 ‘ in *London*, or within the Distance of five Miles
 ‘ of any of the Gates of the said City, being their
 ‘ Inheritance, without the Licence and Allowance
 ‘ of certain of your Majesty’s Commissioners, under
 ‘ Danger of the Censure of the Star-Chamber, as
 ‘ appeareth by divers Proclamations made in that
 ‘ Behalf; and, namely, by one dated the 17th
 ‘ Day of *July*, in the 18th Year of your Majesty’s
 ‘ Reign.

‘ And the Grievance at this Time is so much the
 ‘ greater, by reason that the State of the City gene-
 ‘ rally is poor, and hath now many Payments to
 ‘ your Majesty; and this great Restraint will in a
 ‘ short Time be a great Cause of their further Im-
 ‘ poverishing; and many Men that are able to re-
 ‘ pair, and are not able to build, and some that have
 ‘ intended to build Part of their Houses, have been
 ‘ inforced to pull down the rest, and new-build the
 ‘ rest, to their utter Undoing; whereas the same,
 ‘ with small Reparations, would have continued
 ‘ many Years.

‘ And your Subjects further shew, That many
 ‘ Carpenters, Plasterers, Smiths, and other Handi-
 ‘ craft Men, are in great Distress for Want of
 ‘ Work, and divers of the said Workmen have been
 ‘ taken from their Work, and committed to Prison,
 ‘ and

‘ and so forced to leave their Wives and Children
 ‘ to Parishes ; and that thereby the Subjects are de-
 ‘ barred the common Law of this Land between
 ‘ the Landlord and Tenants, which are now cen-
 ‘ sured by the Commons, who have set down what
 ‘ Charge the Lord and Tenant shall be at in build-
 ‘ ing and repairing their Houses.

An. 22. James I.
 1624.
 May.

‘ We therefore, your Majesty’s humble Subjects,
 ‘ the Commons in this Parliament assembled, do
 ‘ humbly desire your Majesty to declare your Royal
 ‘ Pleasure, that the said Proclamations, and Com-
 ‘ missions thereupon, concerning Buildings and re-
 ‘ pairing of Buildings, be void, and shall no farther
 ‘ be put in Execution.

Dr. ANION.

‘ Whereas Complaint hath been made to his Ma-
 ‘ jesty’s Commons, now assembled in Parliament,
 ‘ against Dr. *Anion*, President in *Corpus Christi* Col-
 ‘ lege, in *Oxford*, of sundry Misdemeanors in govern-
 ‘ ing the said College, and other erroneous and scan-
 ‘ dalous Offences, unworthy of his Degree, Calling,
 ‘ and Place ; which, upon Examination before them,
 ‘ have appeared, in the greatest Part, to be true.

‘ Forasmuch as nothing can be more agreeable to
 ‘ your Majesty’s great Wisdom and Knowledge,
 ‘ than to have the particular Care of the Advance-
 ‘ ment of Learning; nor to your Goodness, to have
 ‘ a special Regard of the Government of Youth in
 ‘ your two famous Universities, as well for Religion,
 ‘ as for other important Employments in the State :

‘ Your most dutiful Commons, in all Humble-
 ‘ ness, beseecheth your Most Excellent Majesty,
 ‘ that some Course may be taken, according to your
 ‘ Princely Justice and Wisdom, for removing the
 ‘ said Dr. *Anion* from the Place of President in that
 ‘ College.

COURT of WARDS.

‘ Whereas your Majesty, the 11th of *December*,
 ‘ 1618, by your Commission under the Great Seal,
 ‘ with Instructions and Directions to the Master and
 ‘ Council of the Court of Wards and Liveries, of
 ‘ your

An. 22. James I.
1624.
May.

your Royal and special Care for the Good of your Subjects, and the true answering of your Revenues concerning Wards of Idiots and Lunaticks, established divers Orders, by Advice of your principal Judges and Counsel of the said Court; so it is that the Earl of *Middlesex*, late Master of the Wards and Liveries, procured the said good Orders, Instructions, and Directions to be revoked, and others, in lieu thereof, to be made and published, concerning many inconvenient Clauses, tending to the Diminution of your Majesty's Revenues, and raising a great Increase of Fees and other Charges of the Subject.

Our humble Suit to your Majesty is, That you, of your Grace and Goodness, will be pleased, for the better answering of your said Revenue, and the good Ease of your Subjects, to revoke your said late Instructions, and to re-establish or regulate the former, as in your Princely Wisdom you shall think fit.

At p. 336, Vol. VI. of this Work, the Speaker's, *Sir Thomas Crew*, Speech on presenting the Bills to the King, at the Close of the Session of Parliament, *Anno 22, Jac. I.* is only abridged; the Manuscript before quoted has it at Length, as also the Lord-Keeper's Speech in Answer to it; both which we here give from that Authority. And, first,

The SPEAKER'S SPEECH, May 29, 1624.

The Speaker's
(*Sir Tho. Crew*)
Speech.

Most Gracious Sovereign,

THE great and mighty God, who is the Alpha and Omega, the Beginning and the End of all Things, hath, by his good Providence, brought his hopeful Entry into this Parliament to an happy Period and Conclusion, and hath manifested to the Christian World a blessed Unity and Conjunction between the Head and the Members in one Heart.

In the building of the Temple there was not an Hammer heard, but all was smoothed, and wrought, and prepared by the cunning Hand of the Workmen before they were laid.

God,

‘ God, the Author of Peace and Concord, who Ad. 22. James I. makes Choice of a House in the Mind, hath so united the Hearts of both Houses in one Desire and Correspondency, that in the great and weighty Business, wherein your Majesty was pleased to discern and ask their Advice, they have all concurred without a negative Voice; and your Grace and Goodness hath broken forth like Light, that have been pleased to follow and approve the same, imitating the Precept of the wise King, *Prov. xv. 22. Without Counsel Purposes are disappointed; but in the Multitude of Counsellors they are established.*

1624.

May.

‘ In the Interim of our Debates of that important Subject, we neglected no Time, but husbanded it in penning and passing of Bills, and especially those that concern the public Good, and will remain to Posterity as a Memorial of the Honour of your Time, and the Weal of your People.

‘ It is the highest Pitch of a true Monarchy, and greatest of Height of your outward Happiness, that you rightfully reign and rule alone, and yet that your Commonwealth is so compounded by the sound Laws of the same, that your People have their Voice and Suffrage in making and altering of Laws, which are the Sinews of your Government that holds the Body together; and their equal Composition and impartial Execution is a principal Means, under God, to secure your Royal Person, and to support the State.

‘ It is the Nature of Man to be in Love with its own Child; and by this Parliamentary Way, the People are left without Excuse, and have their Mouths closed up, who else might take Occasion not to be so well satisfied.

‘ The Bulk of these Petitions, as some of them have proceeded from your own Grace, so now all of them return to your gracious Acceptation.

‘ But these Petitions, be they never so fitly framed, or judiciously digested; yet, for the Part, they are but as Speculations (yea, that I may use the Phrase of mine own Profession) as *Infante in Ventre Ja Metre*, of whom it may be truly said, That the Children

An. 22. James I.

1624.

May.

Children are come to the Birth, but have no Strength to be delivered, till your Majesty breathes Life into them; yea, they are but as Shadows till the Royal Assent make them a Body.

‘ In the ranking of these Bills, the first Place is assigned to that which first past, and is to prevent and repress Disorders in that Day which God hath set apart for his own Service and Worship; a *Jove Principium*. Others, to punish and redress profane Cursing and Swearing, and the loathsome Sin of Drunkenness. Another, An Explanation of the Statute of the third Year of your Majesty’s happy Reign, to disable Leases of your own two Parts of convicted Recusants Lands, made to the Benefit of the Recusant, contrary to the true Intent of the former Law, and to revert the Interest to your Majesty, the rather to reduce them to Conformity and Obedience, that have been long sick of a spiritual Drunkenness.

‘ Other Bills of Grace descending from your own Goodness, that have been graciously pleased, as it were, to let fall some Leaves from the Flowers of your Crown, for the Ease and Benefit of your People, and yet the Flower continues fresh and entire.

‘ One or other hath moved from the Goodness of our hopeful Prince, to clear Doubts that might arise upon his Highness’s Leases of the Possessions of the Duchy of *Cornwall* Land, and to ratify the same the more to encourage his Tenants to build.

‘ Another, the Continuance and establishing of divers Laws useful, that were but Probations and Repeals of divers more, that were as Snares for greedy Informers to work upon.

‘ Others are new Remedies for such Mischiefs as Time hath discovered to need Redress.

‘ These public Bills are accompanied with some private ones, as Colleges, Hospitals, naturalizing your Subjects and Servants, the public Bills expecting the joyful Voice, *Le Roy le veult*; the private Bills attending, *Soit fait come ce desire*.

‘ Neither let it seem strange to your Majesty, that in a Commonwealth so well compounded, there

is

is yet some Explanation of Laws, Alteration of some, *An. 22. James I.*
Multa Dies variusque Labor mutabilis qui vetulit in 1624.
melius.

May.

‘ And the Memory still lives of your famous Progenitor King *Edward* the First, who, after his Conquest of *Wales*, in his Parliament, saith of the Laws and Customs of that Country, *Quasdem, &c. Stability only attends the better Life, but in all earthly Things there is Mutation and Change.*

‘ And as in the first Motion of the Heavens there daily arise new Aspects and Conjunctions that alter the inferior Planets; so, in Kingdoms and Commonwealths, new Inconveniences are discerned, and might be dangerous if that they be not prevented.

‘ And as new Diseases in the Body require new Medicines, so new Diseases in the State must be cured by the Remedy of good Laws.

‘ Yea, in the Commonwealth of *Israel*, which were God’s People, and he gave them the Law, the Doubts arising were cleared from God’s own Mouth by *Moses*; as that for the Punishment of the Blasphemer, the gathering of Sticks on the Sabbath Day, and the like.

‘ And now, dear and dread Sovereign, we the Knights, Citizens, and Burgessees, of the Commons House of Parliament, with bended Knees of our Hearts, do render all possible Thanks to God, and to your Majesty his Lieutenant, for the Blessing we enjoy in the Continuance of the Word and Gospel amongst us, and our Conservation in true Religion: And it is our exceeding Comfort that no Jealousy nor Mistaking hath bred any Rupture or Distraction amongst us, nor given Cause to tell any thing in *Gath*, or in the Tents of *Ascalon*, whereby the *Philistines* of *Rome* may rejoice, or the uncircumcised Priests of *Baal* triumph; but that the true Believers at home, and our Neighbours and Confederates abroad, may rejoice and sing a new Song of Joy, in seeing this happy Turn to the Affairs of Christendom, since our hopeful Prince’s Return, God having wrought Light out of that Darknefs. *It is the Lord’s Doing, and let it be marvellous in our Eyes.*

‘ But

An. 22. James I.

1624.

May.

‘ But that we might be so happy to see the Kingdom quiet, and those Locusts the Jesuits and Seminary Priests, that are Enemies to Monarchies, and wait for Opportunity to do Mischief, whose chief Point of Learning consists in Flattery, and dividing of Unity; and if this City that is your Royal Chamber, and other Parts of your Dominions were clear swept, and these *Babylonish Achans* taken out of the Tents, your Person and State would be more secure, and Peace would be upon the *Israel* of God, and your Subjects, laying aside *de Tristibus*, might be more chearfully sent home, with that good Father *St. Hillary* in their Hearts.

‘ We do further acknowledge, with all Humbleness and Thankfulness, your Majesty’s great Favour to us, in the Enjoyment of our antient Privileges, free Speech, and Freedom from Arrests and Troubles.

‘ And that your Majesty hath been graciously pleased, at our humble Suit, to give often Access to your Royal Person; and by your own Mouth made so clear an Expression, of a benign Interpretation of our Proceedings.

‘ And we further do most humbly acknowledge your gracious Favour, that have, according to the Latitude and Bounty of your Royal Heart, and suitable to your own Greatness and Goodness, enlarged your general free Pardon beyond all Times, whereby to some, who were dead by the Justice of the Law, a new Charter of Life and Mercy is sealed; to others that be outlawed, and forfeited their Goods, a Restitution of Grace is granted, old Debts discharged, and the Scores and Reckonings cleared, cancelled, Wardships ensuing, and not suing of Liveries, and *Autrelemaynes* freed. And generally to all Relaxation from many Pains and Penalties, to which, by Errors and Negligence, they were fallen.

‘ And here, we the Knights, Citizens, and Burgeses, of the Commons House of Parliament, do, in all Humbleness, present to your Majesty a free Gift of three entire Subsidies and three entire Fifteenths, granted by the Temporality, and a Confirmation of Sub-

Subsidies granted by the Clergy, which we have given with Alacrity to those Ends to which your Majesty first propounded; and I hope God will direct your Majesty to make your Sword your Shrieve to put your Son-in-Law in Possession of his antient Patrimony, or to make Execution by way of *Withernam* of another as valuable. God is on our Side in a good Cause, *Frangit et attollit vires in Milite Causa*.

An. 22. James K.
1624.
May.

‘ I am out of my Element, but the Zeal and Affection to the Honour of my Sovereign, and Support of a Branch of the Royal Blood, transports me, and will excuse me; which Points of Supply no sooner came in Proposition, but passed, not one dissenting. *Hilari Manu, celeri Manu*; and, I may say, *plena Manu*, considering the speedy Payment in this Time of Decay of Trading, and the Disvalue of the Royal *English* Silver Mine of Woolls.

‘ Accept, in some Sort, dear Sovereign, this Present for the present, as a Pledge of our unfeigned and Loyal Duties, and a Testimony, as well of the professed Service of our Bodies, as of the entire Subjection of our Hearts.

‘ And now that your Majesty hath given a liberal and large Pardon to all your People, give me Leave to interest myself therein, and, with bended Knees, to fall down at the Foot of your Favour for a particular Pardon, and (*quietus est*) that may cover and quit my Errors and Defects; since, by the free Choice of the House, and your Majesty’s Approbation, I underwent this Charge.

‘ And that whatsoever, by my Insufficiency and Inabilities, hath given Disadvantage to your Service, may, by your Goodness, be forgotten; and the faithful Endeavours of your humble Subject receive a gracious Acceptation.

The LORD-KEEPER’s Answer, May 29, 1624.

Mr. Speaker,

‘ I Am no way prepared to give Answer to your Speech, nor endeavour I to do the same; but, because some Philosophers say, that a Viol well tuned,

The Lord-Keep-
er’s Answer.

An. 22. James I.
1624.
May.

ned, hanging upon the Walls, and a Man touching another, he shall hear that which hangeth upon a Wall will give Assent to the same Harmony; so I can but say something to every of them, and give Assent to that sweet Harmony of yours. You have spoken of Unanimity, of the King's Grace in asking your Advice, and following of it; of the Suffrages of the People in making of Laws; of his Majesty's Royal Assent; of Swearing; of the Sabbath and Drunkenness, especially in such Time of Grace; and so particularly you have returned Thanks to his Majesty for free Access, and of the large Pardon, and of Priests and Jesuits; of the Subsidies, and of the Palatinate; and of your own Behaviour to these Particulars, that his Majesty hath not answered, I will touch in a Word.

‘ For the Unanimity of both Houses, it must be attributed solely to the Goodness of Almighty God, that Work of the Holy Ghost, who was the Author of that Unanimity; for God the Holy Ghost, much about this Time, fell amongst the Apostles in one Place assembled, *Acts* i. 2. that they were all of one Mind and of one Assent: So where there is this Unanimity, there is the Holy Ghost, who is the Author of it.

‘ *Secondly*, In asking your Advice and following of it, you attribute it to the Goodness of the King; and it cannot be denied, for he hath gone beyond all Precedents.

‘ *Thirdly*, Touching the Suffrages of the People in making of Laws, it is convenient, yea, it makes the People, as *St. Paul* saith, to be without Excuse; for of the Law it is said to be a common Consent and a Covenant: For when God delivered the Law by *Moses* to his People, he takes their Consent, *Ex.* xxiv. 3. whatsoever the Lord said to them they gave Approbation to it.

‘ *Fourthly*, For the Royal Assent, it is a Thing so proper to Law-making and giving, that the Scepter is joined to the Law-giver: You may remember the Promise of the *Messias*, *Gen.* xli. 10. *That, the Scepter shall not depart from Judah, nor a Law-giver from between*

between his Feet. Indeed it is best for the People, An. 22. James I. 1624. that this Royal Assent is in his Majesty, and not in themselves; for many Times it falls out with the Assent of Kings as it doth with God; for Almighty God many Times doth not grant those Petitions we do ask.

‘ Now, God and the King doth imitate the Physician and a King; they will not give that which they desire, because that they know how to fit their Patients and Subjects with better Things than they do desire.

‘ I will put you in Mind of two Precedents out of the Book of God, in my own Profession; the first is in 1 *Kings*, ii. 20. There is a Precedent of *Bersheba* putting up a Petition to King *Solomon* for *Adonijah*, and she desired that the King would not deny her; he bids her, *Ask on, my Mother, for I will not say thee nay*, yet he denied her Petition; and though it was denied, yet she had her Intention, for it was only to give Contentment to *Adonijah*. The second is out of the New Testament, 2 *Cor.* xii. 7. where *St. Paul* saith, That a Prick of the Flesh was a Hindrance to him in the Performance of good Things; now he puts up his Petition to God, to remove this from him that was such an Hindrance unto him. Now this was a public Bill for himself and others by his Prayer; now God refuseth this his Petition, and gives him a better Gift; for the Lord gives him Grace. And so it fares with Kings in giving of their Royal Assent, for many Times they do reject some of their Petitions; but yet, in other Things, gives them a far more liberal Assent than they did desire by their Petitions.

‘ *Fifthly*, For those Bills of Grace; they are so, because it comes from the Grace of his Majesty, and they do flow from his Royalty. As for the Bill of Grace for the Prince who is Grace itself, and must be full of Goodness, if that he be the Son of such a gracious Father.

‘ *Sixthly*, Thanks to his Majesty; *first*, For the Privilege to your Houses. *Secondly*, You give Thanks

An. 22. James I.

1624.

May.

for such free Access to his Majesty: These are without Precedents; for, indeed, those Kings that have not such large Endowments, are not so easy to have Access unto.

‘ But we may say of his Majesty as one said of his Son, that as often as he did see him he did admire him, and bless God for him.

‘ *Seventhly*, For the Proclamation against the Priests and Jesuits, we have just Cause to give God and the King Thanks for it. It is your Care that be in Places and Office, to look to the Execution of the same, and that it be not said of us as it was said of *Rome*, That although they be banished out of the Commonwealth, yet they will be lurking up and down in Corners; therefore they are to be found out by you, and to be punished.

‘ For the Subsidies tendered to his Majesty, you are therein to give me Leave to tell you a short Story: When ^a had paid a great Subsidy to *Augustus*, and in Acceptation he sent him a Letter, and nothing writ therein but this, *Mihi nihil*, there was nothing to him.

‘ And altho’ there is no Part of it which returns to his private Gain, yet his Majesty thanks you for this Care that you have for the Honour of Religion, and the Honour of his Kingdom, and for the regaining of his Son-in-Law’s Inheritance; and for the Palatinate, his Majesty will omit no Way for the regaining of it.

‘ Now, for your own excusing of yourself; you have done nothing in this Session to be accused for, and his Majesty thinks that the general Pardon, being so large, will serve the Turn; then you need no particular Favour.’

^a *Sic in Orig.*

From

A P P E N D I X. 61

From a Collection of Speeches, &c. in 1623 and 1624, An. 21. James I. communicated by the Rev. Dr. Zachary Grey, 1623. Rector of Ampthill, in Bedfordshire.

Fébruary.

This Manuscript, apparently in the Hand of those Times, the Doctor calls Captain Wingate's Manuscript, and contains all the Speeches, Conferences between the two Houses, &c. &c. which happened in those last two Years of King James the First, many of which are already printed in the sixth Volume of this Work. What are omitted are as follow :^a

Sir THOMAS CREW's SPEECH to the King in Parliament, on his being elected Speaker of the House of Commons, Feb. 21, 1623. Omitted in this Work, Vol. VI. p. 10, with the Lord-Keeper's Answer.

Most Gracious Sovereign,

‘ **T**HE Knights, Citizens, and Burgeſſes, your Majesty's obedient and loyal Subjects, the representative Body of your Commons, according to their antient Privileges, and your most gracious Directions, have chosen a Speaker; and, amongst so many Cedars of their *Lebanon*, have looked down upon me a low Shrub, and not able to take upon me the Weight of such Service.

‘ I desired them to take into their Considerations my Weakness and Disabilities, best known unto myself, and not known to them; and that I might be excused; which I did not do to decline public Duties, but out of a true Insight of my own Insufficiency, which being not granted by them, I humbly appeal unto your high Throne, desiring your Majesty to spare me, and to command them to proceed to a new and better Election.’

The LORD-KEEPER's ANSWER.

Mr. Speaker,

‘ **H**IS Majesty observes that in you which *Gorgias* did in *Plato*, *Quod in Oratoribus irridendis, se monstrabat Oratorem*. In speaking against

L 2

Orators

^a By Mistake these Speeches, &c. are misplaced; they should have been put after King James's long Speech to his Parliament, *March 23, 1609*, and before the Prince's Speech to both Houses, *March 11, 1623*, at p. 35 of this Appendix,

An. 21. James I.

1623.

March.

Orators he shewed himself the greatest Orator.
 Even so it fares with you in this Appeal to his
 Majesty, *descendendo ascendis*. Your falling down
 in your own Conceit, hath raised you higher in all
 other Men's Opinions. By excusing yourself you
 do shew, that there is nothing in you to be excused.
 His Majesty doth not only approve, but commend
 the Judgment of the Knights, Citizens, and Bur-
 gesses, in their Choice. *Quod felix faustumque sit*.
 For an Omen and good Luck to all their future
 Proceedings, hath crowned that first Work of
 theirs with the old Parliamentary Style, *Le Roy le*
veult, exivit Verbum ex ore Regis, his Majesty
 approves the Choice.

*The Prince's LETTER to the Earl of BRISTOL, from
 the Sea Side, as he came from Spain. Without Date.*

Bristol,

The Prince's
 Letter to the
 Earl of Bristol.

YOU know what I told you: I feared when I
 came away that the Infanta might go into a
 Monastery, after she was contracted, by virtue of a
 Dispensation granted from Rome; and so the Mar-
 riage might be broken, and the King, my Father
 and all the World, might condemn me as a rash-
 headed young Fool, not to have prevented it: And
 therefore do not dispose of my Proxy untill you
 hear more from me; for such a Monastery may
 rob me of my Wife. So not doubting you will
 observe particularly this, I leave you.

*A CONFERENCE between the HIGHER and LOWER
 HOUSE of PARLIAMENT, at Whitehall, the
 2d of March, 1623. (Omitted in this Work,
 Vol. VI. p. 75.)*

The LORD-KEEPER.

Gentlemen,

A Conference
 between the two
 Houses.

YOU that are the Knights, Citizens, and Bur-
 gesses now assembled, being the House of
 Commons, the Lords have appointed me to open
 this

this Conference, and to acquaint the House of Com-
mons of their entertaining all Things with a fair and
sincere Correspondency with special Points.

An. 27. James I.
1623.
March,

‘ The *first* is a Supplement to the Narration which
the Prince’s Highness and the Duke of *Buckingham’s*
Grace have made to both the Houses in this Assembly.

‘ The *second* is the Opinion of the Lords. For
the Supplement; that is threefold. 1st, The treating
of the Match. The 2^d is the Restitution of the Pa-
latinate. And the 3^d contains an heroical Act of
the Resolution of the Prince, which their Lordships
thought it fitting to communicate unto you, and by
you, afterwards, to all the Subjects of the Kingdom.

‘ The 1st is the Supplement of the Marriage; no
more but this, That the very first Motion made by
the Duke of *Lerma* to the Lord of *Bristol*, Nov. 3,
1614, nine Years bygone.

2^{dly}, ‘ The Restitution of the Palatinate; that
you cannot but remember, that his Majesty, our
Master, did rest upon a Promise of an Assurance to
assist the Armies, if Treaties could not prevail.
Now, it appears to the Lords that this Assistance of
Arms, which was promised by the King of *Spain* to
the Lord of *Bristol*, hath not been performed.

‘ The 3^d, conducing to the Honour of the Prince’s
Highness, and the Comfort of this Kingdom, is this
Match. About *July* last, his Highness being in
Spain, there was a Rumour spread abroad in the
Country, that his Highness and the Duke’s Grace
should have an Intent to steal away: And tho’ this
was but an imaginary Thing, they did provide to
intercept his Passage; and with Resolution, if they
were interrupted, they would keep them as Prisoners,
as his Highness was informed. His Highness hear-
ing of this, sent the Duke of *Buckingham* to the
Committee with this Resolution, That though they
did steal thither out of their own Country, that was
with Love; but they would not steal from thence
with Fear.

‘ This, as I conceive you think it, was done with
a great Resolution; but it is nothing to that which
follows,

An. 21. James I.
1623.

March,

‘ His Highness thinking on this Occasion, he gave Commandment to *Grymes* that he should say nothing; but if he heard that he was stayed, then he should declare this Message to his Father, That he should never think of his Highness as his Son, but to bend all his Affections upon his Sister, &c. And these be the three Supplements.

‘ Now, the Lords of the Upper House, they do take into their Consideration what his Majesty had commanded them: And considering likewise of that Narration made to both the Houses by the Prince’s Highness and the Duke of *Buckingham’s* Grace, and also of those Letters that were read, and so of those Supplements, they have resolved, and be of Opinion, (*super totam Materiem*) upon the Carriage of the whole Business, That his Majesty can no longer remain upon any of the Treaties, neither of the Marriage, nor of the Restitution of the Palatinate, with any Conveniency, either for the Safety of Religion, or with any Safety of his Honour, or with any Safety of his own Estate, or with any Safety of his Grand-Children. Now, his Majesty and the Prince’s Highness do resolve to know, whether you Gentlemen, Knights, and Burgessees do concur with their Lordships in this Business.’

The Lord COKE.

Noble Lords,

‘ The Knights, Citizens, and Burgessees, being the Lower House of Parliament, have given me Commandment to declare unto your Lordships their Minds: That they have considered of these great Matters, and they have deliberately consulted, and with one Mind agreed, That both those Treaties of the Match, and of the Palatinate, should be utterly and absolutely put by. Hereunto my Lords were led by a Rule of the Book of *Judges*, that we should attend upon you at this Time, and that it should follow with that Council to consider, consult, and then give Counsel; so that, my Lords, my Part is very short: For your Lordships have concluded, to

our

our exceeding Joy and great Comfort, that those Treaties could not be continued with Safety of Religion, and with Safety of the King's own Person, or of his Posterity: Help me if I mistake.

An. 21. James I.
1623.
March.

‘My Lords, You have prevented us, and that very largely, for we must walk upon the same Ground and Foundation: And, my Lords, I should make an humble Narration to your Lordships, for the whole House of Parliament, that you would be pleased to join with us in Supplication to his Majesty, that he would be pleased, at his good Leisure and due Time, (but our Suit is, that it would be with all Speed) to give his Royal Determination and Resolution to break off, and utterly to dissolve, these Treaties, which we hear to be so dangerous to the King, State, and Children, and especially to Religion; and, if it please his Majesty, when he is resolved, that he would make Declaration of it, so that it would put Alacrity in the Hearts of all true Subjects, and so put a Wing to these good Works of Parliament: And, my Lords, I had almost forgot it, that this will not only be a singular Comfort and Content to the Subjects of *England*, but to all his Subjects abroad, and Well-Wishers to *Sion*.

The ARCHBISHOP of CANTERBURY.

‘I have Command from the Lords, upon this Return of this your Answer, that we should all give Thanks to Almighty God for this clear Manifestation of Truths; and, in the next Place, we are to acknowledge our Humbleness to the King, that he is pleased to proceed so far as to ask the Advice of both the Houses of Parliament joined together. Now, in the next Place, we are to give Thanks for the Use that is to be made of it: And here I must observe, that as Springs come from one Head, though we are many, yet we are but as two Eyes and two Hands of the same Body under the same Head, to see that which shall be for the Public Good; and that it may be for the Glory of God, and for the Preservation of true Religion, and the Safety of his Majesty, and of this blessed Prince, and the Honour of the King, and the whole

An. 21. James I.

1623.

March.

whole People. As you have moved that, so may I pronounce that the Lords will not go on with Coldness, but with Alacrity and Boldness; and as for the Readiness of the Lords in this Business, I am commanded to shew you how far they have proceeded.

‘ They have chosen Committees, and they are in Number twenty-four, that they might meet with the Committees of your House; and that speedily they might meet together, and set down certain Reasons that you and we have resolved upon.

‘ That his Majesty may receive that as our Opinions, and see the Grounds of it, and that it might have the more Satisfaction to his Majesty and to Christian Kingdoms abroad; and, as soon as may be, that some of your House may meet with these twenty-four Lords, and may join together and go on with Boldness: And when these Reasons be agreed upon, that then they that be your Committees and our Committees may declare them to his Majesty.’

No more Anecdotes have occurred to the Compilers of this History than what are included in the Body of it, from the Date of the last to the Year 1640; at which Time the *Scots* were preparing a great Army to invade *England*. That this Invasion was first promoted by the *English* Malecontents, is more than hinted at in this History, Vol. VIII. p. 489 and 90. But what will put that Matter quite out of Dispute, are the following Letters; the Originals of which are now in the Hands of a Right Honourable Person, who was pleased to favour us with Copies of them. We shall give no other Introduction to them, but leave them, with their several Indorsements, to the Reader’s Judgment, And first,

A LITERAL COPY of the Letter from Scotland, to An. 16. Car. I. which Lord Savile's Letter, with the seven Lords Names, was an Answer. 1640. June.

The Original is indorsed, *My Lord Loudon's Letter to Lord Savile, June 23, 1640, in Sir A. Johnston's Hand-Writing, afterwards Lord Wariston.*

My Lord,

MD. his Or.^a by Warrant of the best and A Letter from
prymeſt to deſire you moſt ſeriously for Scotland.
to deal with our Friends, in all Earneſtneſs, as they
deſire this great Buſineſs to proſper for their and
our Deliverances, that they would, now at the laſt,
find out the Ways of giving us full Aſſurance of
their Concurrence with us in their Perſons, Means,
and Credit. For ſeeing our Army, as we truſt,
about 25,000 Men, Horſe and Foot (if not more
as we have appointed and expects, but counts the
leaſt) has now their Rendezvous at *Leith* this Week
and the Beginning of the next, whereof ſome Regi-
ments in *Fife* are come this Day, and the Weſt
Regiments will be here on *Thursday*; and that, be-
fore the 10th of *July*, we will be all lying at the
Borders, ready to march in one ſix Hours Advir-
tiſment: And ſeeing the beſt National Heads amongſt
us, in natural Perſon and Wiſdom, will be que-
ſtioning both the Warrant and Call of our Voyage,
and Danger, and Sequels thereof, except firſt, by
one ſolid Way or other, we be cleared of our Friends
Approbation of that our Courſe, and Concurrence
with us in it: Therefore ye muſt, above all, deal
with them, as they love their and our common Safe-
ty and Deliverance, now when it is ſo near and eaſy,
by their Aſſurance before, and Concurrence after
our Entry, that they would, againſt that Time of
our lying down on the Borders, (beſides the Re-
lations made by bare Words, unknown Papers,
common Carriers and Servants, whereupon we are
come ſo far, but dare not hazard the Flower of our
Nation

^a M D. muſt be a Cypher for the Writer, and Or. muſt ſignify Order.

Aa. 16. Car. I.

1640.

June.

Nation thereupon) farther to assure us of their Approbation and Concurrence, either by Subscriptions of some principal Persons sent to us, or by some eminent Person or Persons, (whom we might trust for the rest) that joining with us (albeit it were but one) their single Persons immediately before our Entry, or by their rising in one or sundry Bodies amongst themselves, or by sending to us, near the Borders, some present Supply of Money, or clear Evidences where we shall find it ready near hand, that we might pay for our Entertainment in the Passage; or by any other solid and certain Way of Engagement and Assurance; which we do not presume to prescribe in the particular (but above all recommend it in the general) that their Grant of it (in any Way that would satisfy themselves, if they were in our Case and we in theirs) may farther confirm our Conscience of our Calls being from God for their Deliverance as for our own, and strengthen our Hands against the Apprehensions of Danger from the invironing Forces of a whole forraïne potent Nation, if they concurred unanimously against us, as Invaders of them in a hostile Way: Whereas the Lord knows our Intentions and Actions shall be for them as for our own Souls. Besides this, there seems to be a Necessity of our meeting on the Borders, before our Entry, with some eminent judicious Persons, that having advised now, they may resolve then, (if we think it necessary, as we apprehend, but conclude nothing) that as in the Year 1585, (besides that at the Reformation) there was a League intended between Queen *Elizabeth* and King *James VI.* and the two Dominions against the Council of *Trent*, and their bloody Band; so there may be some League and Band drawn up; wherein, as we may profess our sincere Resolutions for them as for ourselves, so as we go peaceably, without wronging any, thro' the Country, all Favourers of the Protestant Religion and Liberties of the Kingdom may subscribe as a Mark of Distinction from our common Foes the Papist Prelates and their Adherents; some Band of this Kind for maintaining the Protestant Religion,

and

and the several Churches and Liberties of the two An. 16. Car. I.
Kingdoms, for having the same Friends and Foes 1640.
in this Cause, for making no Peace without settling
both Churches and Kingdoms, and for mutual Con-
currence with others against our common Adver-
saries, Papists and Prelates, in that Cause, and to
that End.

‘ We take not on us to prescribe the Way to be taken after our Entry, no more nor the particular Way of their Assurance before our Entry; but as an Assurance of us before our Entry, and Band of Conjunction after our Entry, is necessary for the Safety and Surety of both Nations in one another; so we leave to their Wisdom to consider this or any other Mean God shall direct them to think most conducive to his great Work on Earth in Hand: For, besides that, we shall have ready, by the Grace of God, our Declaration of our innocent Intention and Carriage so fully, clearly, and brotherly; (upon the Grounds ye sent down) as shall give great Satisfaction to them all. But it’s Time to return to our Assurance before-hand, whereunto we suspect the greatest Impediment to be the Hazard of their revealing it. By God’s Assistance, we are resolved on a solid Way of Secrecy in the Particulars which will be intrusted to a very few most sure Persons, (albeit, by generals, we would be the more enabled to encourage the Army, that will rely much on their Confidence in some few) as knowing our own and the Cause’s Prejudice, in the Discovery, and the Danger of our Friends; and on the other Part, seeing we must then be lying on the Borders, ready to march in on that Assurance before it can be discovered, and to concur with them and they with us, before they can be endangered: They will be in no more Hazard, by assuring us immediately before our Entry, nor they will be by declaring themselves for us after our Entry, according to their Resolutions and Promises; for, by the Lord’s Assistance, we shall follow hard, and hinder the King’s Forces from harming them. And as this farther Assurance is no Prejudice to them; (whom, no Doubt, when all is done, the
King

Am. 16. Car. I.
1640.
June.

King and their Adversaries suspect to know well enough already, but for Fear of Tumults abstain from meddling with them) so it will be a great Encouragement to us of God's Call for their Deliverances as well as for our own: We cannot think that they who resolve to ware their Lives and Estates with us in this common Cause of Religion will be slack to give us their Fore-assurance thereof, by all possible and probable Means, the Neglect of seeking it, as it would be a Token of our Inconsiderateness in so weighty and ^a a Passage; so their shifting or refusing would be apprehended, by some, as a Ground of Jealousy, lest they failed us in our greatest encompassing Straits: God is our Witness we desire and intend their Deliverance as our own. It were a pitiful Case that both should fail for Want of Assurance and Correspondence, when Matters are brought to so great a Height, and our Armies lying on the Borders, the sole and principal Means, in any Probability, either of God's Way or Man's Way to effectuate both; but we trust they will find out the Ways, in their Wisdoms, to give us Satisfaction herein, as by God's Assistance, we intend, and shall endeavour, in all our Ways, to give them full Content, as in the Sight of God, to whose great Time and Work we are subservient in this Business for his Son, and against the Man of Sin; by whatever Way, either of Writ or trusty Messengers, they resolve to assure us before the 10th of *July*, on the Borders, before our Entry, they would condescend, as far as is possible, what Force will be against us, what People will be neutral, what Persons will concur with us, and both what Forces, and with what Assistance of Horse and Foot, and with what Money or Munition, in what Places, (severally or together) in what Times, and by what Ways, what Guides they would send us; what Marks to distinguish Papists and Protestants, Friends and Foes, to whom we shall give Sureties for our Entertainment, when we want Money, (as we shall offer and give every where, but to Prelates and Papists) and all such

^a Obliterated in the Original.

A P P E N D I X. 71

such other Particulars they know we stand in Need to be informed of clearly. I resumed all our former Letters, and have written this by Warrant of our surest and secretest Heads, whilk, above all, I recommend to your special Care and Trust, as the very Hinge and Mergh of our Business. Ye know my Hand and the Subscription of your own, whilk ye may take for more nor his own.

An. 16. Car. 1.
1640.
June.

NATHANIEL BLACK. *

The following Letter was indorsed, *Copy of Lord Savile's^a Letter, with the seven Lords Names, viz. Bedford, Essex, Brooke, Warwick, Say and Sele, Mandeville, and Savile, put to it by Lord Savile and Henry Darley, Esq; and after cut out, and restored to every Man his Name, by Sir Archibald Johnston.*

This Letter it is likely was written in Yorkshire, by Henry Darley, who brought Sir Archibald Johnston's Letter from Lord Loudon to Savile and the other Lords, to which it is an Answer, evidently written to an Englishman, to shun the Danger of Correspondence with the Scots; but there is no Superscription on it. Darley, it seems, shunned that; however, he went Post with it inclosed in Savile's Letter to the Scots on the Borders.

S I R,

‘ **A** Ccording to our Promise unto you, we have seriously perused, and well weighed, the Contents of that Letter which you did deliver unto us, and have thought fit to return unto you our Apprehensions of it, and our Answer unto it, and that in so few Words as the Greatness of the Occasion will permit us to do.

‘ And, *first*, we find the Desires of the Authors of that Letter to be, that their *English* Friends here should give them some solid Assurances, before their coming

^a A feigned Name we suppose. — How this Character of Lord Savile, as an Incendiary between the two Kingdoms at this Time, agrees with his Conduct only two Years after, we cannot imagine. See Sir John Bouchier's Letter, Vol. XI. p. 174, &c.

An. 16. Car. 1.

1640.

June,

coming into *England*, that they come by their Invitations and Approbations; which, in our Opinion, would much wrong both our Causes; for it is published through all *England*, that their coming into *England* is necessitated by those crafty wicked Counsellors near the King, who, on purpose to divert this Quarrel of Religion, and to make it a National Quarrel, have made the King to besiege them, by Land and Sea, taken their Ships, destroyed their Trade, undone their Fortunes, and all to draw a War upon our Kingdom; upon which Ground we mean to make it a Part of our Remonstrance to the King, as an insupportable Grievance to our whole Nation; which Part is absolutely taken away from us, if they come in by the Persuasion of a discontented Faction, (as they will call us here) and not by any Necessity the King laid upon them to occasion their coming.

‘*Secondly*, They desire not only our Invitation, but our personal Conjunction with Horse and Foot, and Men and Money, and Credit, and the particular Names, and Times, and Places, and all by Covenant, before they enter. We know they understand it very well, that, if Necessity bring them in, their Entry must be just; for that cannot break any Law, which is subject to no Law, as Necessity is not; but if we call them in without absolute Necessity compelling us thereunto of a just Entry, we shall make it an unjustifiable one on our Part, as being absolute Treason, by our Law of *England*, to be of Council to the bringing in of any foreign Forces, to adhere unto them, to supply them with Money, in the very Words of the Act of Parliament to resolve what shall be Treason in King *Edward* the Third’s Days, as it is printed in our Books.

‘Now, we durst let our Friends in the *North* judge if we can justify it to our God, for the Hope of never so good Success; for most of the greatest Persons in the Kingdom of *England* to begin with undeniable Treason, by their own Laws guilty, and well known by them all to be so. It hath been the Happiness of the *Scotish* Nation, that, in all their Turmoiles, (though in Appearance foul) yet they have never done

any

any Act, but what they will justify by the Fundamental Laws of their own Nation, unto which only they are subject. This we assure you hath procured them many Friends, and much Honour and Glory abroad; and we are confident that they would not have us, in our Case, less sensible of our Honour and Piety, than they themselves, who have so often avowed this in their public Writs and public Speeches to the King. It is not Security only that we expect from the King, but from our own Consciences, and a good God; who, otherwise, will be justly offended with us, and give us up unto our Enemies Hands; but if the Scots come in their own just Rights, as necessitated unto it, without any such Contract and Assurance from us, we are resolved to do more and more effectually for obtaining their and our honest Ends, in a fair, just, and noble Way, than either they can expect or desire in this that is propounded. But it consists of so many Particulars, as it cannot well all be now recited; nor is it yet safe nor fit for them to know, for it is impossible to keep such Secrets long concealed in any Army. Here is not much Trust required neither that they put in us; for Policy of State will tell them it is better to make the Seat of War in another's Country, rather than to seat it in their own. Besides, what Cause hath this Nation given them, since this Difference, to doubt of their Fidelity unto them?

First, The greatest Band, the common Interest all one; Religion and Liberty, and to make our abused King more great in Goodness, than they have made him unhappy in Ill. In the Parliament what might we not have obtained for ourselves if we would have joined to ruin them; but we foresaw our own must follow presently: And since the Parliament, what Kingdom hath ever shewed more Stoutness against the Importunities of the King than this hath done in all his Demands of Men, Monies, Ships, Loans, Soldiers, or any Thing that might enable him to bring an Army against them; which appears by the great Violence that hath been used to gather Forces, and the poor Companies which are not yet raised? How many

An. 16. Car. 1.
1640.
June.

An. 16. Car. I.
1640.
July.

many of the greatest Houses of *England* have gotten his Majesty's irreconcilable Displeasure against them, for their suspected Affections to them, who should soon find it were they under a just Censure of the Law. To what End was all this, I pray you, that if, when our Deliverances drew nigh, we should forsake them in their greatest encompassing Straits? Is not that Deliverance more precious, that is begun and continued without the Breach of one Fundamental Law, rather than that which is compassed by the Subversion of the greatest of all? Or may not a Prince be as easily won to do his Subjects Right by a just Expostulation of his Nobility and Subjects, in an opportune Season, as well as in an unlawful Convention, if they receive the same Fruit and Assistance by it? In Conclusion; we shall certainly appear (if they will believe so) just to them, just to God, just to the King, just to ourselves, to our Religion, Liberties, and according to that irrefragable Position of that noble Example, without the Transgression, either of the Laws of God or Man. This we thought fit to acquaint you withall, and leave it to your Discretion and Fidelity to dispose of it as you shall see Cause, and shall ever rest,

Your respective Friends, ^a

A LETTER inviting the SCOTS to come into England in 1640.

To the Right Honourable John ———, (cut out) this present.

Right Honourable,

^c A Letter of Invitation for the Scots to come into England,

HOW much more safe it were for me to have attended you in Person ^b with Assurance of Liberty, than to be here in perpetual Danger of Restraint upon the least Colour of Suspicion. Your Lordship (who have lately tasted the Fruits of our *English* Justice) will easily imagine; yet, consulting with

^a Subscriptions cut out. The Names of the Lords were so exactly imitated, that each Lord declared they could scarce distinguish them from their own Hand-Writing.

^b It may either be Person or Prison,

with some Friends of yours here, who know the many Dependencies upon me, and Opportunities of doing Service, wherein it is conceived my Presence would be very necessary, and that, by my Person, I can contribute nothing more than what is comprised in this Paper, it was concluded, by an unanimous Consent, that it was very requisite for me to defer my Coming till some other Time; and thus, in Submission to this Resolution, I shall faithfully and fully give Answer to such Particulars of the Letter, as, I conceive, are of most Consequence for your Knowledge and my Discharge.

An. 16. Car. I.
1640.
July.

Your Lordship may remember, that it was the 27th of *June* e'er you did communicate the Letter unto me, the next Day was to be set a-part for hearing of the Word and Prayer, two Days more were spent in *London* to let your Friends know the State of your Affairs, and to settle a Way of giving them certain and speedy Intelligence of your Proceedings, five Days more were spent in my Journey into my own Country; so as I have neglected but three Days; and, I presume, you will not say they were altogether neglected, when you have perused this, together with the inclosed.

I conceive the main Scope of your Letter may be comprised under these two Heads, A fair Call before your Entry, and a Concurrence after. In Answer to the first of these, I shall refer you to the inclosed, which doth fully explain their own Sense, and is the best Index of their own Hearts, rather than to clothe their Expressions in any Language of my own. And thus much, my Lord, let me tell you, that although it be not the Way which your Letter doth desire, yet, upon a due Consideration of the State of our Government, it was thought, by wise Men, and am persuaded your Lordship will approve it, as more safe, more just, more honourable for them, and no less effectual and powerful for both your Ends, than your own.

And, good my Lord, let not petty Jealousies, or improbable Fears, retard so great, so good a Business for the Church of God, and our common Li-

An. 16. Car. I.

1640.

July.

erties, as, by his Providence, is so near at this Time, if it please God that you speed your Entry at or near the Time prefixed in your Letter. And I beseech you not to imagine that it is for Fear of their Persons being known that they refuse to be the Callers of you in, or Contractors before-hand, either for Men or Money or any other Supply; but only to keep their Consciences and Honours clear; for their Persons are mutually engaged one to another, upon the first Assurance of your Entry into this Kingdom, to unite themselves into a considerable Body, and to draw up a Remonstrance to be presented to the King, wherein they will comprise yours and their own just Grievances, and require a mutual Redress.

‘ And now, my Lord, for your Satisfaction, in Point of Concurrence, give me Leave to tell you that all my Intelligence is calculated only for the Meridian of *Yorkshire* and the more Southern Parts; for, till your Entry there, you must expect great Difficulties; because there are many Papists in those Parts, whom none can make Friends to your Cause: But, alas! my Lord, what can that Number do against your Army, if it be so great as is mentioned in the Letter; and that you make a speedy Entry, before they can be in any Readiness? Grumble and mutter they may peradventure, fight they dare not; but I shall proceed briefly to relate Things as they appear to me upon my best Enquiry.

‘ These are certain, 1st, In the Judgments of all that I have met with, it is approved that your Army and Entry are the sole and principal Means, in any Probability, to effectuate both our Desires.

‘ 2^{dly}, That if we clash one against another, or be divided one from another, we are in extream Peril to be both lost.

‘ 3^{dly}, That some Covenant of mutual Defence of the Religion and Liberties, already establish’d in both Kingdoms, is absolutely necessary to be drawn up and subscribed by both of us. And it is desired that you will be pleased (as better versed in Business of this Nature) to do it, and to tender it to all *English*,

as you march along; and, it is presumed, you will find many very ready to join with you in it.

‘ Before your Entry these Things are done. *Biron’s Troops in Carlisle* have no Saddles, nor shall have any; 800 of the best have no Pistols, nor shall have any.

‘ There is already, of the King’s Money, about 2000*l.* which, before you come in an ordinary March, will be perhaps double or treble that Sum, and is intended for you; which you shall have Notice of at your first coming into the Country, and where it will be in Readiness; which will be a good leading Case to the whole Kingdom.

‘ These Things are intended, and probably after your Entry, that the Sheriff and Gentry will, for the Security of their Wives, Children, and Evidences, seize upon *York* or *Hull*, or both; whereby the King will be disappointed of a great Part of his Strength, which he depends upon there, and your Way made open.

‘ That the Lords, as I formerly mentioned, will, upon the first Certainty of your Entry, join together, as is touched in their Letter.

‘ That some Troops of Horse, the Number whereof is not yet certain, and a Regiment of Foot, besides particular Persons out of every Regiment, will turn to you.

‘ That the Gentry will be willing to afford you Victuals in a plentiful Manner; and the meaner Sort upon very easy Conditions.

‘ I am likewise to recommend unto you, from your Friends in the South, these ensuing Considerations, which they conceive will be of good Advantage to you for the perfecting your Design.

‘ 1. That, upon your Entry, you should march with all possible Speed to *London*, where the Lords and City will be ready to receive you, and join with you.

‘ 2. That in the Way, especially at the first, you should forbear to take any Thing from any, whether Prelate or Papist, without their Consent and Payment for it; for these Reasons, Because your Friends

M 2 do

An. 16. Car. 1.
1640.
July.

An. 16. Car. I.

1640.

July.

do make Account to send you back (when the Work is done) with a liberal Recompense for your Charges; and they conceive it will be more for your Honour to have less, with Love and Justice, than more, with Violence and Oppression; as also to take away the Scandal abroad, and here at home, by those who yet stand well-affected to you. The first Impressions last long, and make a great Noise; therefore, my good Lord, let your first Approaches be fair and sweet, according to your Declaration.

3. 'That where you hear there are any considerable Bodies of Men, that you would send to them, and let them know your Unwillingness to fight with any in this Quarrel, coming in for our Good, as well as your own, and send them your Declarations to that Purpose: But if any be so mad as to assault you, spare them not, and be assured it will not make it a National Quarrel; because the Army is patched up of Strangers, Papists, and the Scum of the Country; which, if your Swords prevent not, will undoubtedly die in a Halter. So as, in my poor Skill, I cannot see any Danger at all of your coming in, nor any Doubt of good Success; but an happy Deliverance of the poor imprisoned and fettered Gospel in both these Kingdoms, and a just Judgment upon the Authors of these desperate Councils.

'My Lord, I shall humbly beg for myself, that the Bearer hereof may be returned with all possible Speed and Secresy, and an undoubted Assurance of your Resolutions; because I am to transmit it into the South with all Speed. Thus presuming of your Favour herein, I rest

Your Lordship's Servant,

Date cut out. M U M.

P. S. 'Let us know the certain Day of your beginning to march.'

INSTRUCTIONS

* The Date must have been, as appears within, the 8th of July, from Yorkshire, and Lord Loudon must have gone from London to Scotland after the 27th of June.

INSTRUCTIONS for the SCOTS ARMY how to act on An. 16. Car. I.
their Entrance into ENGLAND. 1640.

July.

‘ IF of Necessity they must come in, there is no farther disputing but how they come with most Advantage to the Cause.

‘ All the Advantage which the Papists or Royalists will make, is to persuade the People, that this was their Intent from the Beginning, and that they came to conquer and enrich themselves with others Possessions, and not for Religion and Liberty, as was pretended, which must be answered by a Manifesto, and an Oath taken by themselves, before they enter; and to offer it to as many in *England* as will take it, and join with them; to protest against taking of any Men’s Goods, or to engage themselves in Blood by fighting, unless they be forced unto it, which they presume they shall not find any to oppose them, who love either the Gospel of Christ, or do not desire the Slavery of themselves, their Country, and Posterity.

‘ To shew how they have been invaded by Sea and Land, for no other End but to necessitate their coming to *England*, that they might have that Occasion to scandalize their just and pious Intentions, and to stir up the Kingdom of *England* against them, and to make them the Authors both of their own and their Slavery, and by our own Swords to extirpate our own Religion, and to bring in Popery with a strong Hand, which hath been so long intended.

‘ That it is plain, by breaking of Parliaments in both Kingdoms, that they that govern the King’s Councils have no Intention to reform the Grievances of Religion or Laws in either, which was only the Request of both Nations; and to testify the Sincerity of their Hearts, their utmost Request and Desire only shall be, That the Parliaments may sit freely in both Kingdoms, to redress Religion and Liberty so unjustly invaded; and that pernicious Counsellors, namely, the Archbishop of *Canterbury*, and the Lord-Lieutenant of *Ireland*, with some others, who have plotted and counselled the Ruin of us all, may be made forthcoming and answerable to the free Parliaments

An. 16. Car. I.

1640.

July.

ments in both Kingdoms ; which, if it may be sincerely and effectually performed, shall give a Period to their Arms, and a just Satisfaction to all the Christian World what their Intentions are.

‘ That they can have no Peace nor Assurance with the King as long as these Counsellors, and such other evil Instruments, have such an immoderate Share in all his private Councils as they now have ; and that they can have no more reasonable Request than only to enjoy the Gospel and the Laws, and such Reformation as the whole united Kingdom shall think fit ; that they desire to shake off no Power of lawful Monarchy, but only that which is inconsistent with the Monarchy of Christ.

‘ That no independent Kingdom did ever descend so far to the Judgment of another, as they shall to the Parliament of *England*, when it shall sit free ; and that they desire no other Proceeding against these pernicious Counsellors, than what their own Parliament shall think them worthy of.

‘ That, to avoid farther Trouble by the Army, they desire the King would be pleased to send any ten of the well-affected Nobility of *England*, (excepting these guilty Persons who are named) to hear their just Intentions to their Brethren of *England*, and to make a fair Conclusion of all Hostility untill the Parliament be convened, where all Demands shall be rightly weighed and justly determined, and the Persons accused by both the Kingdoms, may be legally tried ; which is no more than what a just Prince oweth, by the Law of God, to his Subjects ; who, with all Humility, Tears, and Supplications, do demand it.

‘ That they call God to witness, that, with Peril of their Lives, and Loss of their Estates, they have, and do seek, as much the Preservation of *England*, in their Religion and Laws, as their own, as well knowing the Ruin of the one is, and will be, the Ruin of both ; and cannot believe that they shall find Enemies there, where they have deserved so much ; from the Bishops and Papists, and guilty Persons, they may expect it ; but from any that desire the Purity

Purity and Flourishing of Christ's Gospel, they cannot. Altho' your Informations run Hazards in the Way, and receive harsh Entertainment, at their Journey's End, from your Adversaries, who labour to suppress the Truth, yet they are so acceptable to your Friends, and necessary for assuring all Men of your Constancy and Resolution of standing to the Defence of your Religion and Liberties, and for clearing your Loyalty to your native King, as you have just Reason to send them through all Difficulties.

An. 16. Car 1.
1640.
July.

' It is affirmed that you have set out a Representation of all your Proceedings since the Pacification, with an Answer to that late Declaration made against you, which doth conduce very much for the Good of your Business; and doubtless both yourselves and your Friends are, and will be, as careful to have it, and all true Informations, published as your Adversaries are desirous to suppress.

' It is reported that you have foreseen, that you are in an Instant to be blocked up by Sea, and compassed and invaded with Armies by Land; and that the Seat of War is intended to be in the Bosom and most fertile Part of your Kingdom, to consume and waste you, and keep you at a greater Distance from your Friends, that so, in the End, your Enemies might devour you; which great Danger, it is reported, you are labouring to prevent, by anticipating the King's Army with the Expedition of yours to *England*; which is most acceptable to your Friends, and affrights your Adversaries, who will labour to have your In-coming esteemed to be an Invasion of *England*, that they may raise a National Quarrel; for preventing whereof, albeit your Friends, who understand the Truth, and know your Affections, will not trust such Calumnies, yet, for better Satisfaction and greater Assurance of the People here, your Friends trust and expect that, as you have given Information of all your Proceedings heretofore, so you will make a Declaration to come, before and with your Army, to shew how you are constrained to this Expedition for your lawful and necessary Defence, that your Enemies, against whom you come,
are

An. 16. Car. I.

1640.

July.

are only the Prelates and Papists, and their Adherents; who have incensed your native King against you, and have raised up these Wars, because you would not receive the Innovations of Religion urged by them upon you, and admit their tyrannical Hierarchy in the Church and State against the Oath of your National Covenant, and Constitutions of your Church; that you have no Intention to invade or wrong *England*; but, with God's Assistance, and with the Favour of such as love the true Protestant Religion, the King's Honour, and the Peace and Good of this Kingdom, that you are to fight for your Religion, Liberties, and Lives, that the King's Majesty, and all his good Subjects of both Kingdoms, may be delivered from God's Enemies and theirs, as the Authors and Cauſers of all your Evils, and Disturbers of the Peace of both Kingdoms; and that his Majesty may, with all possible Speed, call a Parliament in both Kingdoms, by whose joint Advice and Counsel, without Interruption or breaking them up, these great Evils may speedily be remedied; the Authors thereof put to a just Trial, and receive condign Punishment; the King's Honour may be vindicated; his good Subjects of both Kingdoms may get Redress of their Grievances; which will turn all our Troubles and Tempests into a fair Calm and Peace; will make his Majesty loved, honoured, and chearfully obeyed at home, and make him terrible to all his Enemies abroad.

‘ And, lest plundering and spoiling of the Countries where you come provoke the People to rise against you, it is expected that you will keep your Army in the best Order you can; and that the Declaration will bear, That you will take no Man's Goods nor Means but for Payment, except the Goods of Prelates and Papists; and that what you are necessitated to take from any other for Entertainment of your Army, you will pay present Money for it, or give Surety for Repayment thereof; for it is thought that you will make the Prelates and Papists pay for all, and that your Friends, and such as love the Good of Religion, and the Good and Peace

of

of both Kingdoms, will not resist nor grudge for ta-king what is necessary for Entertainment of your Army, either for Payment or upon Surety, till it pleases God to enable you, and afford Means to pay what you must take in this Kingdom.

An. 16. Car I.
1640.
July.

‘ Your Declaration may express your Acknowledgement of God’s Providence, who kept the Parliament of *England*, that they were so wise as not to be misled against you by the Practice of your Adversaries to a National War; as likewise bear some Expression of your Thankfulness to them, and to the City of *London*; who, notwithstanding the Arch-Prelates, who are the great Misleaders of King and Court, live amongst them, have all this Time continued constantly affectionate to Religion, and the Peace of both Kingdoms; and your signifying your Respect to them, will both testify your Thankfulness, and endear them the more: All which may be in a brief Declaration, which may be contained in a Sheet or two of Paper, and needs not be long, because your former Informations and Remonstrances have sufficiently cleared your former Proceedings.

‘ The Reasons which seem to favour and invite you to come in, amongst others, are, partly from your own Condition, partly from the Condition of Matters here: *First*, The King’s Resolution, being incensed by your Adversaries, is bent to destroy you, by blocking you in by Sea, and by keeping Troops and Garrisons in your Borders, forcing you to neglect your private Affairs, keep Officers and Soldiers, spend and waste your Means, weary and disable you, that you may the more easily, in the End, be overthrown, or so soon as he can have sufficient Forces and Money to undo you by Force and Strength, by Sea and Land; under which great Danger it seems impossible that you can long lye in Suspense, and bear out, as you have marvelously done these Years bygone. The Disposition of *England*, and how they are disposed, may best be judged by their Carriage in the last Parliament, which is the best Commentary of their Minds; such as love the Sincerity of Religion, and dislike Episcopacy,

An. 17. Car. I.
1641.
February.

copacy, are your certain Friends; such as have their Grievances for their Sufferings in their Estates, represent likewise that the Prelates Power is predominant, and ruleth over the State as much as over the Church: And both Sorts of Persons prove that the Courage and Success of your Business, is the only Means they see most conducive for settling, not only of your Religion and Liberties, but also of theirs; and it is averred, that if you will come in, they will shew their Respect really for you, for the Good of Religion, for vindicating the King's Honour and Peace of both Kingdoms: These are for your Encouragement.

‘ On the other Hand, if the *English*, who now, for the most Part, are discontented, and favour you, shall happen to be diverted; and that you may be drawn in the Midst of *England*, and be scarce of Money or necessary Ammunition, the Hazard may prove so great, and the Business so important, that it is more than I dare presume to give you a determinate Advice, tho’ there be many pregnant Reasons for inviting your Coming, as most expedient. But of both these you may make up your Declaration, and what else you please to add to it. The Lord direct your Counsels to his Glory and your Good.’

Omitted in Vol. X. p. 283, *February 8, 1641*, communicated from a Collection of old Tracts, by *Edward Frewen, Esq; of Sussex.*

The SPEECH of Master PLEYDELL, Esq; ^a

Master Speaker,

Mr. Pleydell's ^a *Speech.* **I** Have heard, since I had the Honour to sit here, many Grievances presented; and truly, Sir, my Heart bleeds within me when I think of them, especially those that concern Religion. But what should I speak of Grievances concerning Religion, when Religion itself is become a Grievance; nay, the

^a Chosen for *Wootton-Basset*, but disabled 1643, for being a Royalist. See the List.

A P P E N D I X. 85

the very Nurse and Mother of all Grievances, all Scandals, all Reproaches?

An. 17. Car. I.
1641.
February.

Tantum Religio potuit suadere Malorum.

‘ Sir, not to trouble you with any long Discourse; if I have any Sight, that Bark, both of Church and State, hath a long Time floated betwixt *Sylla* and *Charybdis*, Popery on the one Side, and I know not what to call it on the other; in many Respects both alike dangerous, unlesse the *Italian* Proverbe may alter the Case, *God defend me from my reputed Friends, and I will defend myself from my profess Enemies.*

‘ Sir, We are intrusted by God, the King, and the Country, with the managing of this Bark, fraught with the Fortunes of three great Kingdomes. Now, should we so decline the former Rocke, that we dash on the other Side, I humbly offer it to this Honourable Assembly, whether she might not have just Cause to say, She had changed her Pilot rather than her Condition, and only shifted Places to find her Ruine: For, Sir, there is as much beyond Truth, as on this Side it; and would we steere a right Course we must be sure to keep the Channel, lest we fall from one Extreame to another, from the Dotage of Superstition, to the Frenzy of Profaneness; from bowing to Idols, to worship the Calves of our own Imaginations.

‘ Sir, I beseech you consider what libellous Pamphlets are now printed, what Sermons are preached, not building Hay and Stubble, but utterly subverting the Foundations of Truth: What Irreverence in Churches, what Profanation of God’s Service, to the Scandall of Christianity, the Reproach of Religion, and the intollerable Griefe of all good Men; of which I may take up the Words of *Petrus de Aliaco* to the Council of *Constance*, *Nisi celeriter fiat Reformatio, audeo dicere, quod licet magna sint quæ videmus tamen in brevi incomparabilia majora* ^b *videmus, & post ista tam horrenda majora alia audiemus.*

‘ Sir,

* *Sic in Origine*; but I take it to be an Error in the Citator or Printer, as the future Tense of *video* makes best Sense with that of *audeo*.

An. 17. Car. I.

1641.

February.

‘ Sir, I take God to Record I am no Man’s Advocate, no Man’s Enemy; but a faithful Lover of Truth and Peace, and a dutyfull Son of our distressed Mother the Church of *England*, in whose Behalfe, and our own, my Motion shall be shortly this: That the Ministers’ Petition, with so much of their Remonstrance as hath been read, may be committed; and the rest of it, concerning Matter of Doctrine, may be referred to some learned and approved Divines, as have spent their Time in that noble Study. For give me Leave to tell you, There is a *Vulgus* among the Clergy, as among the Laity, *Et in utroque nil modicum*; and for these and all Things which strike at the Root and Branch, as they please to call it, I shall humbly move that we rather consider how to satisfy the Petitioners with some timely Declaration from both Houses, of the Lawfulness and Conveniency of Episcopall Government, derived from the Apostles, and so long established in this Kingdom, rather than venture upon any Alteration, the Consequence whereof the wisest Man cannot foresee: And, in Truth, Sir, should we once begin, for my own Part, I know not how, or where we should stay.

‘ Nevertheless, if any one doubt the Superiority of Bishops over Priests and Deacons in Ecclesiastical Government, or in Ordination, I shall be ready, whensoever this House shall command me, to make it good, and I think by as pregnant Testimonies, as we are able to prove the Difference betwixt Canonick and Apocryphall Scripture, the Necessity of Infants Baptisme, or that the Apostles were the Authors of their owne Creed: But, Sir, I hope you will save yourself and me that Labour, and rather devise of some set Way to binde up the Churches Wounds, which God knowes are too wide already; that so the Clergy and Laity being made Friends, and all reduced to the Model of our Ancestors since the Reformation, we may altogether preserve the Unity of the Spirit, in the Bond of Peace; and so his Majesty having graciously and prudently exprest himself, I am the more confident we shall not only put an End to all Misintelligence betwixt Prince and People,

People, but also highly advance the Protestant Cause, An. 18. Car. I.
and give a deadly Blow to the See of Rome. 1642.

‘ Sir, I humbly crave the Favour of the House,
for God is my Witness,

June,

Non potui aliter liberare Animam meam.’

The following Letter was directed to Sir Thomas Lyttelton, Bart. at Westbury, in Buckinghamshire. It was found amongst that Gentleman’s Papers, and communicated by his Grandson, Dr. Charles Lyttelton, now Dean of Exeter.—The Letter is mysterious enough, and evidently shews the extreme Jealousy and the Danger of holding Correspondence in those Times.

Dear Cousin,

‘ THIS Morning was deliuered, vnto mee, a Paper without Name, but not without Date or frendly Expressions, which conueye mee to the Owner with more Ease than Men are knowne by their Words in these Days. A Letter to Sir Thomas Lyttelton.

‘ You haue put new Obligations vpon mee, in presentinge my Seruises in the right Place; the Receiuer is a Man of fewe Words, vnless this Tym hath changed his Nature, and render’d him longewynded with our new Predicators; he knowes my Minde, and so do you too, which shall neuer sayle him or you.

‘ Wee are here vpon the verticall Poynte, and, like Men in a Storme, begin to shifte for ourselues; if your Posture bee made good, ours must change; like Bucketts in a Well, when you are up we are down; and where you must keepe vs, or wee shall ryse agayne.

‘ Mony is at Ebb with vs; a dead lowe Water. Yesterday Committees of both Houses were anglinge amongst the Stranger Merchants, and caughte about 6000*l.* in Subscriptions; Subscriptions bringe no more Mony than Votes drawe Blood.

‘ Our Grandies are much troubled at the Departure of my Lord Duke of Buckinghamshyre, who

was

An. 18. Car. I. was a *Secretis*, and is much feared by his Fellow-
 1642. Counsellors. His Father, *Holland*, is in Disorder,

June,

and no less troubled for the Discouery of his Designs, than for his Pouerty, which pincheth on all Sydes. The Confidense had in his Son-in-Lawe is conuerted into reall Feares and Jealousies, lest in good Company the Truthe should come out, and bee thrown vp with the Excess.

‘ *Rabbi Arthur* is deafe of Hearinge, and supplies no more; sick and lame when the Leuye of Horse was in Question; he knowes how to halte before his Friends. The Couvey of Lords was Yesterday impeachte in the House of Commons vpon their Letter, and this Morninge the Impeachment was caryed up by your good Frend Mr. *Hollis*, who made a very eloquent Oration.

‘ The Labour in the House of Commons was great to haue made this Refusall to bee the Grounde of a Civil War, and in that Case to have them lyable to Forfeiture only of Goods and Lands; but, after a long Debate, some of their Friends declared their Sense against it, and turn’d it quite off; inso-much that the Question being put, Whether it should be layd by, it was carried in the Affirmative; and not a Man that had spoken against the layinge of it by, gaue a Negative to it; so that the Impeachment reacheth only to Misdemeanor vpon the slighte and scornfull Answer.

‘ This is the first perspicuous Blowe that hath ben giuen them these many Monthes, and may proue ominous, sinse many fell from them that were wonte to sticke, and begin to shrinke in the Wettinge.

‘ Our Waters ryse or fall accordinge to your Motions: At the Poole of *Bethesda* the Waters were to bee troubled before they could be medicinal; I wish the same Angell amongst vs, sinse I dare not wishe more Trouble.

‘ The last Declaration is taken for a Cutter; your Caualleros certainly had a Hande in it; it cuts lyke a two-edged Sworde: If you send any more of such Cutters, you may cleaue us in Peeces.

‘ If

‘ I thank my Countriemen for being my Countrymen ; they shall bee my Countriemen still ; not the *Essex* Calves, who play’d the Men at *Chemsford*, and made Shewe only of some seauen Horse ; very few Gentlemen appear’d.

An. 18. Car. 1.
1642.
June.

‘ You may take an Acounte of your Feyld-peece at *Yorke* ; the Lord that stay’d them is come to you, and truly it was the most notorious Peece of Seruise done in the Militia. I wayted on my Lady to giue her the joyfull News, but she conceiued that it would reache you before your goinge from *Wesbery*.

‘ When my Name comes in your Way, you may promote it as you see Occasion, wher you have begun ; and if you giue mee Intelligence of your Resolutions there, I shall conforme to the Necessity.

‘ Wee have ben, are, and may bee, of great Vse here, to repell Surprizes, and to bear vp our Friends, and gayne vpon our Aduersaries. If it receiue any other Construccion with him whose Companion you now are, I shall take it as a Fauour to bee informed, and shall applye myselfe to that which may bee most agreeable to his Pleasure who hath Power to commande in all lawfull Seruises. ^a

Your f. Friend, &c.

June 11, 1642.

J. H.

‘ I haue taken the Liberty to enlarge, because I confide in the Messinger ; and if you putt your Letters into Secretary *Nicholas*’s Packett, they may come safely into my Hands, by Mr. *Spenser*, Resident here.

‘ Make no Shewe of my Liberty, but wher you are uery safe, and parte not with it ; the Tyme is tycklishe, and Caution is most necessary.’

^a It seems by the last Paragraph that Sir *Thomas Lyttelton* was then with the King at *York*, and not at *Westbury*.

An. 21. Car. 1.
1646.

January.

The Deputy-
Treasurer of the
Scots Army's Ac-
quittance for
200,000*l*.

Two ACQUITTANCES, signed by the Deputy-Treasurer of the Scots Army, for Two Hundred Thousand Pounds, appointed and agreed to be paid by the Kingdom of ENGLAND to the Kingdom of SCOTLAND, by Articles of Agreement made between them.—Communicated by Dr. Grey.

K Now all Men by these Presents, That upon the One and Twentieth Day of *January*, One Thousand Six Hundred and Forty-six, I *John Drummond*, Deputy to Sir *Adam Hepburn*, Knt. Treasurer to the Scots Army in *England*, have, according to certain Articles of Agreement, agreed upon between the Committees of Lords and Commons of the Parliament of *England*, and Commissioners of the Parliament of *Scotland*, authorized thereunto by the Parliament of each Kingdom, respectively bearing Date the Three and Twentieth Day of *December*, One Thousand Six Hundred and Forty-six; and in pursuance of the same, and in the Time, Place, and Manner therein prescribed and appointed, received of *William Gibbs*, Esq; Alderman of the City of *London*, and *Thomas Noell* and *Francis Ashe*, Esqrs. appointed by an Ordinance of both Houses, of the Sixteenth of *November* last, to be Trustees for the Monies arising upon the Sale of Bishops Lands, the Sum of Eighty-eight Thousand Pounds Sterling, which, together with Twelve Thousand Pounds received at *London* by the Commissioners of *Scotland*, in the Name and for the Use of the Kingdom of *Scotland*, for which the Commissioners have given an Acquittance, is in full for the Payment of the first Hundred Thousand Pounds, appointed and agreed to be paid by the Kingdom of *England* to the Kingdom of *Scotland*, by the said Articles of Agreement. In Witness whereof I have hereunto put my Hand and Seal the Day and Year first above-written.

J. DRUMMOND, *Commissar. Deputt.*

Sealed, subscribed, and delivered in the Presence of

<i>Pembroke</i> and <i>Mont.</i>	<i>John Coke</i>	<i>Rich. Minors</i>
<i>B. Denbigh</i>	<i>Jo. Mylles</i>	<i>Rob. Hilliard</i>
<i>Edw. Montagu</i>	<i>Richard Brown</i>	<i>Will. Hum-</i>
<i>Phi. Skippon</i>	<i>Tho. Richardson</i>	<i>barstone</i>
<i>J. Holland</i>	<i>Nathan. Sterrop</i>	<i>Wm. Everard.</i>
		Know

‘**K** Now all Men by these Presents, That upon An. 21. Car. 1. 1646. the Third Day of *February*, One Thousand Six Hundred and Forty-six, I *John Drummond*, Deputy to Sir *Adam Hepburn*, Knight, Treasurer of the *Scots* Army in *England*, have, according to certain Articles of Agreement, agreed upon between the Committees of Lords and Commons of the Parliament of *England*, and Commissioners of the Parliament of *Scotland*, authorized thereunto by the Parliaments of both Kingdoms, respectively bearing Date the Three and Twentieth Day of *December*, One Thousand Six Hundred and Forty-six, and in pursuance of the same, in the Time, Place, and Manner therein prescribed and appointed, received of *William Gibbs*, Esq; Alderman of the City of *London*, and *Thomas Noell* and *Francis Ashe*, Esqrs. appointed by an Ordinance of both Houses, of the Sixteenth of *November* last, to be Treasurers of the Moneys arising upon the Sale of Bishops Lands, the Sum of One Hundred Thousand Pounds Sterling, which is in full Payment of the second Hundred Thousand Pounds, appointed and agreed to be paid by the Kingdom of *England* to the Kingdom of *Scotland*, by the said Articles. In Witness whereof I have hereunto put my Hand and Seal, the Day and Year first above-written, ¹

February.

Another Acquittance for the like Sum.

J. DRUMMOND, *Commisr. Deputt.*

Sealed, signed, and delivered, in the Presence of

<i>Ph. Skippon</i>	<i>Tho. Richardson</i>	<i>Jo. Mylles</i>
<i>John Ward</i>	<i>Ro. Woolsey</i>	<i>Rich. Deane</i>
<i>J. Pine</i>	<i>Wm. Everard</i>	<i>Wm. Skippon</i>
<i>J. Potter</i>	<i>Will. Humbarstone</i>	<i>Tho. Jenkins.</i>

VOL. XXIII. N The

¹ *Oldmixon* says, (*History of the Family of the Stuarts*, p. 313) That a full Agreement was made with the *Scots* Commissioners, Dec. 8, 1646, That when One Hundred Thousand Pounds came to *Topcliff*, in *Yorkshire*, the *Scots* should give Hostages to quit all their Quarters, Possessions, and Garrisons, on the South Side of *Tyne*, within ten Days; and upon Delivery of the other One Hundred Thousand Pounds, on the North Side of *Newcastle*, the *Scots* should give Hostages to march out of *England*, and quit the Garrisons of *Berwick* and *Carlisle*, within ten Days. There were other Two Hundred Thousand Pounds talked on, but the *Scots* were to take the Parliament's Word for it. *Quære*, How this agrees with the two preceding Acquittances.—*Dr. Z. Grey.*

These Acquittances were taken from the Originals.

An. 22. Car. I.

1646.

June,

The following Letter was sent to one of the Compilers of this History, inclosing two Originals; Copies of which we think proper to subjoin, as authentic Evidences of Archbishop Williams's Defection from the Royal Cause, tho' he had been raised and supported by it.

Plasgwin, in Anglesey, February 9, 1760.

S I R,

YOU have published, in the Beginning of your Fifteenth Volume of the Parliamentary History, Col. Mitton's Letter relating to Archbishop Williams's declaring for the Parliament, dated June 15, 1646.—I send you one wrote the 8th of that Month, by the Archbishop, to Col. Bulkeley, and other Gentlemen of Anglesey, who defended the Castle of Beaumaris for the King. If there had been wanting any Evidence fully to confirm his Grace's Favour to the Parliament, this Letter would supply that Defect. He joins King and Parliament together, which was the Doctrine of the Presbyterians of those Days. He supposes the King to be satisfied with the Covenant, and that Mitton's Men, in Rebellion against the King, prayed as zealously for him as the Lord Byron's People, who immediately acted under his Royal Authority.

I also inclose to you, of the same Date, the very animated Reply of Col. Bulkeley, and the other Gentlemen of the Castle. I am, Sir,

Your very obliged humble Servant,

PAUL PANTON.

To my much-honoured Friends and Cousins Col. Richard Bulkeley, Lieutenant-Colonel Robinson, Major Lloyd, and Capt. Johns, at Beaumaris Castle,

My very worthy Cousins,

Archbishop Williams's Letter to the Governor, &c. of Beaumaris Castle,

BY a Letter and some Papers sent unto me from the Gentlemen at Berowe, the last Night, I perceive that you have possessed yourselves of the Castle of Beaumaris, and without the Approbation of the Gentlemen and Chief Commanders of the County;

County; so (which I was very glad to find) without any such Opposition to the King and Parliament, but may be easily reconciled, if you do not delay it too long. This is a great and powerful Body, and will not be capitulated too much withall, especially by a few Gentlemen, who have surprized a Castle in a Time of Treaty, at the best; but as they mainly affirm, when all Conditions were agreed upon, and they had relied and confided on the Lord *Bulkeley* and the Commissioners' Assurance. I beseech you, therefore, for your own Good, and the Good of the Country, to give General *Mitton* some speedy Contentment, as I understand you have written unto him already a very civil Letter; and that may be with taking some Part of his Men presently into the Castle, my Cousin *Bulkeley* holding still his Commands as a Constable untill your Propositions be debated: For to keep all the Men as mere Strangers doth put a Slur upon the Major-General, and, thro' his Sides, upon that great Body of the Estate whose Minister he is. And for those in the Town, they may mingle with the Town-Guard, and have no Cause to complain they are looked upon like Enemies: Or some other fair Respects (which my Cousin *Robinson* understands better than I) may be put upon them; and those Articles of suffering them to pass away, if they be recalled elsewhere, set aside. And God forbid they should have any Cause to demand such Articles; it may be these are of the best Servants the King hath, if his Majesty be with the *Scots*, and is satisfied with the Covenant. I am sure they speak as well, and pray as zealously for the King, as my Lord *Byron's* People did; and may he never thrive that doth otherwise. The King is gracious, and takes no Delight that his Servants should be ruined and beggar'd to no Purpose, but to comply with the Humour of some few, and those none of the wisest Commanders. I am your near Kinsman, acquainted with all your Fathers and Grandfathers, and have no other End upon you besides your own Preserva-

An. 22. Car. I.
1646.
June.

An. 22. Car. 1. tion from Danger and Ruin; and I beseech you so
1646. to interpret this Letter of

June.

Your affectionate Friend and Kinsman,

J O. E B O R A C.

Perryu, this 8th Day }
of June, 1646.

May it please your Grace,

The Answer.

‘Colonel *Bulkeley* hath possessed himself of this Castle, upon no other Grounds than the just Interest your Lordship well knows he, together with his Father, hath in it by Patent from the King, it being then upon Surrender without either his Privy, or the Country’s general Consent; so it cannot bear the Name of a Surprizal, but the Maintenance of his, in Subordination to his Majesty’s Right. And whereas it is mainly affirmed, that this was done after Agreement made, we’ll assure your Lordship we have earnestly desired to see the Conditions for the Security of the Inhabitants of the Island, but could see none, not so much as for the Officers and Soldiers of the Garrison, who being without Articles disbanded, were still liable to Imprisonment, or to be disposed of as the Parliament pleased; who, tho’ never so powerful a Body, may and ought to be so far capitulated with, as to know upon what Grounds to stand. Our Agreement with the Commissioners for Cessation from Hostility, (though admitting no Party into the Castle, nor mingling of Town Guards) cannot but give General *Mitton* Satisfaction enough for the present: When Things shall be fairly debated and concluded upon, by universal Consent, we shall then be willing to give and receive Hostages for their Performance on both Sides; and That we conceive to be the more Soldier-like Way. And as for the Article for their free Departure, if recalled, it was of their own Suggestion, nor say we God forbid they should have Cause to demand such. We are glad your Lordship is now of Opinion that these will prove his Majesty’s best Servants, who, the World knows, is in Person with the *Scots*; tho’ his being satisfied with the Covenant,

we

we dare not so much as imagine ; and if to judge of An. 23. Car. 1.
theirs and the Lord *Byron's* People's Prayers, we
leave to him to whom all Prayers ought to be di-
rected ; but join with you in the Imprecation, May
he never thrive that doth otherwise. The King we
know, and the Parliament we hope, is gracious, will
never consent to the Ruin of a whole Country, out
of a Compliance with the Humour of some (whom
we question not) whose Experience cannot call them
Commanders ; we shall therefore, by all Means
possible, study to prevent it, and, with the thankful
Acknowledgment of your Care and Advice, remain

Your Grace's most humble Servants,

RICHARD BULKELEY,
JOHN ROBINSON,
DAVID LLOYD,
HENRIE JOHNS.

The two ensuing Letters were overlook'd, in a
Pamphlet in our Collection, which should have been
inserted in the History, Vol. XVI. p. 28 and 31.

*To the Right Honourable the COMMISSIONERS of
PARLIAMENT at St. Albans,*

My Lords and Gentlemen,

‘ **I** N Answer to the Letters of the House of Com-
mons, which we received from you this Day, Rushworth's
Letter to the
Commissioners of
Parliament,
expressing their Readiness to receive any Particulars,
and to hear any Witnesses against the Gentlemen im-
peached by the Army, we shall be bold to mind you,
that the Remonstrance sent to you the last Night, to
be presented to the Houses, doth express the Desires
of the Army to have the Members charged to be
suspended from sitting in the House ; which (if not
granted to us) we know their Interest and Prevalency
is such, that we can expect but small Fruit in a fur-
ther Proceeding, except the Desires of the Army be
answered therein : Nor can we hope for Good to
the Kingdom, or Settlement of an happy Peace, as
long

96 A P P E N D I X.

Ah. 23. Car. I.
 1647.
 {
 June.

 As long as Men of their Interests and Prevalency have Power to justify themselves and Practices; who, that they may be able to effect it, do endeavour, by all Means possible, to inflame this Kingdom in a second War; to which we shall be forced, to the uttermost of our Powers, to apply a timely Remedy, as being the only Way and Means we know of to prevent the involving this Nation again in Blood, than which nothing is more odious unto us.

*By the Appointment of his Excellency
 Sir Thomas Fairfax and the Coun-
 cil of War,*
 St. Albans, June 24,
 1647.

JOHN RUSHWORTH.

*To the Right Honourable the LORD MAYOR, AL-
 DERMEN, and COMMON COUNCIL of the City of
 LONDON,*

My Lords and Gentlemen,

From the same
 to the City of
 London.

WE have in all Things dealt clearly and plainly with you, and hope we shall continue still to do so. As soon as the worthy Aldermen and the other two Gentlemen, your Commissioners, came the last Night to us, we acquainted them with our Purpose to draw the Head-Quarters to *Uxbridge*, that so we might contract our Quarters, which have hitherto lain scattered; at which Place we hope to receive that which will be Satisfaction to the Kingdom, and will remove Obstructions out of the Way of Justice; wherein, if Right were done, we should let you and all the World see, that we would be so far from pressing near your City of *London*, it should be indifferent to us to march not only to the Distance prescribed, but to any Part of the Kingdom we should be commanded to by the Parliament.

We have asked nothing hitherto but Right, in the Things that are known, as if they were proved an hundred Times before them from whom they have sought them; which, if granted, would not only be a Justice to the Army, but would let the Kingdom see the Fountain in a Way to be cleared,
 with

without which nothing of Force or Power would be a Security to any Man. We wish the Name of *Privileges* may not lie in the Balance with the Safety of a Kingdom, and the Reality of a Kingdom, and the Reality of doing Justice; which, as we have said so often, we cannot expect whilst the Persons we have accused are the Kingdom's and our Judges. A little Delay will endanger the putting the Kingdom into Blood; notwithstanding what hath been said, if it be considered, that in *Wales*, besides under-hand Workings in your City and other Places, Men are raised, and that in no small Number; and are not those Men in the Parliament, who have continued faithful to the Principles of common Interest from the Beginning of this Parliament to this very Day, still awed by the Concourse of Reformado Officers and others to their Doors. Expende of Time will be their Advantage only, who intend to bring evil Purposes to pass.

• We have written this to you for your Satisfaction, that so nothing may be done without giving you a perfect Account of our Intentions and Ends; and still to continue our Assurance to you, that, should Necessity bring us nearer to the City, our former Faith given you shall be observed inviolably, there being nothing more (next to the Good of the Kingdom) in our Thoughts and Desires than the Prosperity of your City.

*By the Appointment of his Excellency
Sir Thomas Fairfax and the Council of War,*

Barkhamstead,
June 25, 1647.

JOHN RUSHWORTH.

An. 23. Car. I.
1647.
June.

An. 24. Car. I.

1648.

January.

In the Eighteenth Volume of this History, at Page 545 and 6, there is Mention made of an Embassy sent from *Holland* to the Parliament of *England*, in order for them to stop Proceedings against the King, in regard to the taking away his Life; but nothing is there given of what these Ambassadors remonstrated to the Parliament on that Occasion. We have since been favoured with the Loan of a curious Manuscript, communicated by the Rev. Mr. Noble, Reader of *Gray's-Inn*, in which this Remonstrance of the States General is included; seemingly taken from the *Journals* of the House, tho' there is no such Matter in the printed Volumes of them.

We shall give this Anecdote in the same Form it is in the Manuscript, with the following Insertion, wrote in a different Hand, on the first Page of it; observing only, that their High Mightinesses were very late in their Intercession for Mercy, and that their Remonstrance itself is worded in so dark and tender a Manner, as if they meant that little Good should come of it. By no Means equal to the high-spirited Reply of the *English* Parliament which follows it.

AFTER Perusal of all or most of the Histories, Collections, and Books of the several Authors, relating to the Civil Wars of England, from 1640 to 1660, and Search into the Paper Office, Parliament Office, and Journals of the House of Commons, and Inspection of the Harleian Library, I never could find the following Memorial; and, discouraged from finding it in the Archives of the States General, I at last found the said Memorial, inter alia, in a Volume I purchased at the Sale of Mr. William Dickenson's Library, late Surgeon to St. Thomas's Hospital, sold at Exeter Exchange, Anno 1719.

Memorandum. The above is in Mr. Granger's Writing. Mr. Dickenson's Catalogue may be seen in Sir Hans Sloan's Library.

The

The STATES GENERAL's MEMORIAL to stop Proceedings against King CHARLES I. presented to the Parliament, 1648.

An. 24. Car. I.
1648.
January.

Die Veneris, 26 Januarii, 1648.

Mr. Speaker informed the House, that Advices have been made to him by some Agents from the Ambassador of the States General of *Holland*, who certified him, that Ambassadors from the States in *Holland* were at *Greenwich*, and desired him to acquaint this House therewith.

Die Lune, 29 Januarii 1648.

A Letter from the Ambassadors of the States General of *Holland* to the Speaker of the Parliament, with this Superscription, *A Monsieur Monsieur Guillaume Lenthall, Esquier, Orateur de l'Honorable Maison des Communes du Parlement d'Angleterre*, was this Day read in *French*, and then *Englised*.

Translation of the said Letter in English.

S I R,

WE do send you here the Letters of Credence which it hath pleased our Lords the States General to write to the Honourable House of Commons, and pray you to present the same with the first Convenience, because that yet this Morning, if it be possible, may be resolved about our Audience; which we demand with so much the more Instance, because we have Things to propose which do concern the Good, Tranquility, and Security of this Kingdom, and the State of the United Provinces; of which the Interest, for several Considerations, should be also united, that the same be not easily separated; whereupon we pray God, Sir, to keep you in his holy Protection, and do rest

Your well-affectionated Servants,

ADRIEN PAWE,
ALB. JOACHIMI.

Re-

An. 24. Car. I.
1648.

January.

‘Resolved, That the Ambassadors of the States General of the United Provinces of *Holland* have Audience in the House at Three o’Clock this Afternoon. Mr. *Allen*, Mr. *Chaloner*, Mr. *Oldsworth*, Mr. *Marten*, and Sir *John Danvers*, or any two of them, to consider of Entertainment to be given to the Ambassadors.’

The Ambassadors had Audience that Day accordingly.

Die Martis, 30 Januarii, 1648.

Mr. Speaker reported to the House what was delivered by the Ambassadors.

A TRANSLATION of the PROPOSITIONS of the AMBASSADORS from the STATES GENERAL, delivered in the House, and sent by them to Mr. Speaker.

Right Honourable,

‘THE States General of the United Provinces of the *Low Countries*, our Superiors, have sent us into this Kingdom of *England*, in the Quality of their Ambassadors Extraordinary and Ordinary, with Order expresse to wish to this Honourable Assembly of the Parliament of *England*, all Prosperity and Felicity on their Part, as also Tranquility and Peace to the said Kingdom, and to the whole *English* Nation, with Offer and Assurance of their true Affection to their Service and Contentment, and for the common Good of all the People in general, to which their High and Mighty do find them strictly obliged by the common Interest between this Kingdom and their State; and more particularly by the Merits and many good Deeds which have been bestowed by the said Kingdom, in several and important Occasions, to their State.

‘And whereas, since the Beginning of the Troubles and Wars in the *Low Countries*, the States of the United Provinces have had a Desire to preserve, chiefly, the Amity and Good-will of this Kingdom, and that the same might be preserved into a firm Peace, Union, and Rest, in Consideration of its Religion, Strength, Situation, Navigation, Commerce, and Traffic,

Traffic, and the Interest on both Sides in general and in particular, because that, by these Means, the Good of the Common Cause might be maintained and advanced; and particularly for the Comfort of the Oppressed, by which this redoubtable Kingdom hath heretofore given and shewn notable Effects, and could contribute yet more and more, continuing in good Peace and Concord. Their High and Mighty do acknowledge that the Enemy of the Common Good, looking with an envious Eye, and apprehending the Prosperity and great Forces of this Kingdom, have endeavour'd, by their subtle Treatings and bad Practices, to sow and bring forth the most dangerous Seeds of Diffidence and Division, which ought to be smothered before it doth increase, and set forth and do more Hurt, because it should not give Place, nor be a Means to the said common Enemies, that the same should come to their Design, for which they have laboured long since; to wit, for to bring, and to keep, this Kingdom into Combustion; and also being weakened, and without Power within, it should be less considerable for his Friends without, and the less considerable from the Enemy; upon which must follow a Casting-down and Bruising of all that hath been built and made sure upon its Foundation: The which arriving, the same Enemy will endeavour, without Doubt, to invent all Kind of Artifices, not only for to trouble the two Kingdoms of *Great-Britain*, but also to set them into Factions, and to make them fall and consume into intestine Wars.

Now, the said Lords the States General have perceived, with extreme Displeasure and Sorrow, all which is aforesaid, and have thought it to be their Endeavour not to put off long the sending of their Ambassadors to this Honourable Assembly of the Parliament; and with an affectionate Heart to the Peace, as also for their own Good, and the greatest Surety of their State, do offer their Service and Employ for to help to the taking away of their mutual Diffidence; and that all Jealousy, Misunderstandings, and Attentates may cease which have happened.

Their

An. 24. Car. I.
1648.
January.

An. 24. Car. I.

1648.

January.

‘ Their High and Mighty do moreover declare, That their Intention hereby is not to undertake this upon any Presumption that they do intend to meddle or to intermeddle with the Affairs of such a great and potent a Kingdom ; but rather to acquit themselves of a Christian Office, which becomes antient Friends, Allies, and near Neighbours. And, on the other Side, for Reciproquement, to contribute to such-like Advice and Assistance, the which they have in former Times truly received from this Kingdom of *England*, and employ to their great Advantage. Moreover, their High and Mighty do surely persuade themselves that there is no State in Christendom more proper and better disposed than theirs ; for, in the present Constitution of Time and Affairs of *England*, to admonish and to persuade the one and the other to Peace and amicable Concord, and to whom, with less Apprehension and Umbrage, may be given Credit and Belief, being that their foregoing Actions, as well concerning the Point of Religion as that of the Government, have always been sufficient Proofs of the Sincerity of their Intentions and Proceedings, in regard of the present Occasions of the Kingdom of *England*.

‘ Forasmuch as concerns the Affairs of the State of the said Lords the States General, they have heretofore endeavoured, on all Occasions, to please and do agreeable Service to this Kingdom ; and persisting yet in the same good and most sincere Will, they find themselves more interested in its Well-being and Conservation, as much for the Common Interest, as for the notable Interest of their State in particular. The End of their High and Mighty in this Negotiation, is not for to recommend in appeasing of Affairs in a faint and dissembling Manner, and converse only with an outward Shew and little Assurance within ; but an upright and perfect Re-union of Hearts, built upon a sure and firm Foundation of a true Peace and Tranquility, which may produce a perfect Correspondence together of Souls and Wills.

It

‘ It being then also, Right Honourable, that for An. 24. Car. I.
 to obtain such a great Good, as well for this King-
 dom as for our State, it will be expedient, if not ne-
 cessary, to put by the Obstacles which will render
 the Remedies more difficult, or increase the Harms
 which are threatened from all Parts, to which the
 said Lords the States do judge, that the Person of
 the King is so much considerable as well within as
 without this Kingdom, that what may happen or
 arrive to him, be it for Good or Harm, may sweeten
 or make sour the Affairs, and make a whole Change,
 and that this Honourable Assembly is fully inform’d
 how much the Presence of the King may contribute
 to keep the People in Order, the Kingdom of *Great-
 Britain* in Union, and that to every one be given
 all Sort of Satisfaction of Surety, of Honour, and of
 Glory, with a total and eternal Oblivion of Things
 past.

‘ And elsewhere that there be many great Kings
 and Princes allied in Christendom, to the which, by
 Blood and Alliance, his Royal Person doth belong so
 near, that they will, without Doubt, much be
 touched with that which will be extraordinarily or
 exemplarily executed to his Person; and to the
 contrary, if the King be preserved, he will, without
 Doubt, more and more be obliged to follow not
 only all good Advice and Counsels, but also refer
 much to the Negotiation and Intercession of them,
 who do now offer to be employed for the Good of
 the Kingdom, and do intercede for the Conservation
 of his Person; and in Case, Right Honourable, that
 the Business should go further, (which God forbid)
 it would be a Thing irreparable, and to which
 hereafter how much there should be a Good-will,
 none would bring any Remedy, or Solagement, we
 do find us obliged, in the Name of our Superiors,
 so near allied to this Kingdom, Lovers of your
 Well-being and Rest, and your true Friends, to
 make the Prayer much intently to this Honourable
 Assembly, that the same will (according to their
 Power) keep back all outward Proceedings to the
 Person of the King, and particularly that no Exe-
 cution

An. 24. Car. I.
1648.
February.

cution be done that will take away his Life; and the Instances for to do more Service concerning the Peace of this Kingdom, or of the People of *England*, and to come with the first with us in outward Communication of all that is to be done, for to appease the contrary Humour, settle a good mutual Amity and Concord, and bring this Kingdom again into the Weal and Prosperity in which our Superiors, with all their Hearts, desire to see it; which they will second with all Means possible.

‘ Upon which waiting a favourable Answer of this Honourable Assembly, we are ready every Hour to make Overtures more ample to the same, and, if Need be, to give, in another Audience, Reasons more efficacious for to declare the Necessity of the Conservation of the King’s Life, and to contribute all good Means and Offices for to fulfill such a great Work, and so necessary for the Good of Christendom.’

*Pronounced in the Honourable House of Commons of the Parliament of England, by the Ambassadors Extraordinary and Ordinary, and delivered in Writing this 30th of January, 1648.
9th of February, 1649.*

Was subscribed

ADRIEN PAWE,
ALB. JOACHIMI.

Die Jovis, 15 Februarii, 1648.

Mr. Speaker read the Answer of the House unto the Ambassadors Ordinary and Extraordinary from the States General of the *United Provinces*, in these Words, *viz.*

Right Honourable,

‘ WE, the Commons of *England* assembled in Parliament, upon due and serious Consideration of your Lordships Address made to this House the 29th of *January* last, and your Papers presented the 30th of the same Month, do, in the first Place, return our many and hearty Thanks unto

unto the High and Mighty Lords the States General of the United Provinces, for their sundry good Desires, friendly Acknowledgments, well Wishes, and fair Respects to the Parliament and People of *England*, in these Papers contained; earnestly desiring, on our Parts, a firm and durable Continuation of the antient Amity and Alliance formerly made and often renewed betwixt both these Nations, whereunto we hold ourselves obliged, as having well weighed and observed that no Leagues or Confederacies have at any Time been made upon Foundations of more joint and common Interest in every Respect, than those of the People of *England* with the *Netherlands*; and therefore it is our most earnest Desire that a firm Peace, right Understanding, and good Correspondence, may be inviolably maintain'd betwixt both Nations for the present, and most exactly observed for the future.

An. 24. Car. I.

1648.

February.

‘ And whereas your Lordships, in the Name of the States General, do gravely advise us concerning the Person of the King, who was then in Part, and hath since been more fully proceeded against according to Justice, in a Court established by the supreme Authority of this Nation, for his transcendent Offences, and those not committed in a Corner: We are confident that both the High and Mighty Lords the States General of the United Provinces, and all other States and Princes who have taken Notice of our late Affairs, will find Cause to believe that nothing hath been done therein, but what is agreeable to public Justice, and the Fundamentals of this Nation; which certainly must needs be better known to us than to any other People or Nation in the World.

‘ And we shall desire your Lordships would, from us, assure the High and Mighty Lords the States General, That we shall be ever ready not only to hear, but to contribute with them all good Means and Offices to fulfill such Works as shall be necessary for the general Good of Christendom, as well as for our own.’

In

Inter-regnum.

1649.

February.

In Vol. XIX. p. 9, of this History, it is said that the Parliament at *Westminster* had received Advice that the *Scots* Parliament had proclaimed Prince *Charles* King of *Scotland*, &c. at *Edinburgh*; since which we have met with the original Form of the Proclamation, as translated into *French*, and reprinted in *Holland*, in order to let their Prince and the World see on what Terms they would please to admit him, and which they forced him to submit to before his Coronation.

D I E U preserve le R O Y.

A *Edinburgh* le quinziesme Jour de *Fevrier*, l'Anneé
Mille six cents & quarante-neuf. ^a

The Scots Pro-
clamation of
King *Charles II.*

LES *Estats du Parlement, en cette seconde Session, du seconde Parlement Triannuel, estans maintenant assemblez en Vertu d'un Acte du Committé des Estats, ayant Pouvoir & Authorité du dernier Parlement de faire assembler le Parlement; considerants, que comme ainsi soit, que le Roy regnant dernièrement, ait esté ostéé due Monde par une Mort violente, contre le Desaveu, & la Protestation de ce Royaume: Et que par le Benediction de Dieu un vray Heritier & legitime Successeur nous ait esté laissé, assavoir Charles Prince d'Escoffe & de Galles, maintenant Roy de la Grande Bretagne, de France, & d'Irlande: C'est pourquoy nous les Estats du Parlement du Royaume d'Escoffe, unanimement & courageusement, en Consideration & Reconnoissance de son juste Titre, & Succession à la Couronne de cesdits Royaumes, nous proclemons par ces Presentes, & publions à tout le Monde que ledit Seigneur & Prince Charles est, par la Providence de Dieu, & par un droit legitime d'une Succession & Lignéé indubitable, Roy de la Grande Bretagne, de France, & d'Irlande; aquel tous les Subjects de ce Royaume sont obligez d'obeir humblement & fidellement, & de la maintenir & defendre selon le Convenant National, & la Ligue & Alliance Solem-*
nelle

^a A *Edinburgh*, imprimé par *Evan Tyler*, Imprimeur de sa Majesté. Traduite de l'Originel, & imprimé à la Haye, par *Samuel Broun*, Libraire Anglois, demurant en l'Acter-om, à l'Enseigne de l'Imprimerie Angloise, 1649.

nelle entre les Royaumes, de leurs Vies & de leurs Biens, contre tous, jusques à la Mort; comme leur seul vray Souverain Seigneur & Roy. Et d'autant que sa Majesté est obligée, par la Loy de Dieu & le Loix Fondamentelles de ce Royaume, de gouverner en Droiture & Equité, pour l'Honneur de Dieu, le Bien de la Religion, & le Profit de son Peuple; nous declaron, par ces Presentes, Que, devant qu'il soit receu pour exercer son Pouvoir Royal, il donnera Satisfaction à ce Royaume, sur ces Choses qui touchent la Seurete de la Religion, l'Union entre les Royaumes, & le Bien & la Paix de ce Royaume, selon le Conventant National, & la Ligue & Alliance Solemnelle; & à ces Fins nous avons resolu, avec toute Expedition possible, de faire nos humbles & ardentés Addresses à sa Majesté, en Tesmoing de quoy, nous le Parlement du Royaume d'Escoffe, publions nostre deue & presente Reconnoissance de son juste Droit, Titre, & Succession à la Couronne de ces Royaumes, à la Croix du Marché d'Edinburg, avec toutes les Solennitez accoustumées en tel Cas: Et nous ordonnons que son Nom Royal, Pourtrait, & Seel, sera mis en Usage en tous Escrits publics & procedez de Justice de ce Royaume, & en la Monnoye, comme on avoit accoustumé de faire à ses Predecesseurs; & nou commandons que cet Aëte soit publié & proclamé par toutes les Croix de Marché des Bourgs Royaux dans ce Royaume, & qu'il soit imprimé, afin que Personne n'en pretende aucune Cause d'Ignorance.

Inter-regnum,
1649.
February.

DIEU preserve le Roy CHARLES Second.

Inter-regnum.

1649.

July.

A LETTER from the Right Honourable JAMES Earl of DERBY, to Commissary-General Ireton, upon his Summons of the Isle of Man. ^a

S I R,

Lord Derby's
Letter of Defi-
ance to Ireton.

I Received your Letter with Indignation, and with Scorn return you this Answer, That I cannot but wonder whence you should gather Hopes of me that I should prove like you, treacherous to my Sovereign, since you cannot be insensible of the manifest Candour of my former Actings in his late Majesty's Service, from which Principles of Loyalty I am no whit departed. I scorn your Profer, I disdain your Favour, I abhor your Treasons; I am so far from delivering up this Isle to your Advantage, that I will keep it to the utmost of my Power to your Destruction. Take this for your final Answer, and forbear any other Sollicitation; for if you trouble me with any more Messages of this Nature, I will burn the Paper and hang the Bearer. This is the immutable Resolution, and shall be the undoubted Practice, of him who counts it his chiefest Honour to be

His Majesty's most loyal and obedient Subject,

From Castle-Town, this 12th }
of July, 1649. }

D E R B Y.

^a This Letter has been printed before, but it breathes such a Spirit of true Courage and disinterested Loyalty, as cannot be too often repeated.

In

In the Year 1652 a War between *England* and *Holland* commenced, after many fruitless Treaties by Ambassadors, &c. between the two Republicks had been held, as is cursorily given in our 20th Vol. p. 87, *et citro*. These Affairs, it seems, had been misrepresented by the *Dutch* to the rest of *Europe*, which obliged the Parliament of *England* to publish a Declaration upon it, together with all the Papers and Negotiations that had passed, and to order that they should be translated into *Latin*, *Dutch*, and *French*, for their own Justification. It would have too much embarrassed the Body of our History to have inserted these Proceedings in their Series, tho' the Pamphlet they are printed in was then in our Possession; we therefore give it a Place here, observing, that these Affairs are not amongst *Thurloe's* State-Papers, nor in any other Collection that we have seen.——The Title to this Pamphlet runs thus:

Inter-regnum.
1652.
May.

A DECLARATION of the PARLIAMENT of the Commonwealth of ENGLAND, relating to the Affairs and Proceedings between this Commonwealth and the States-General of the United Provinces of the Low Countries, and the present Differences occasioned on the States' Part. And the Answer of the Parliament to Three Papers from the Ambassadors Extraordinary of the States General, upon Occasion of the late Fight between the Fleets; with a Narrative of the late Engagement between the English and Holland Fleet. As also a Collection of the Proceedings in the Treaty between the Lord Pawe, Ambassador Extraordinary from the States General of the United Provinces, and the Parliament of the Commonwealth of England. ^a

IF the Sufferings of the People of the United Provinces, under the heavy Yoke of their Oppressions,

Transactions relative to, and preceding the Dutch War.

O 2

preffions,

^a Friday the 9th of July, 1652, Ordered by the Parliament, That no Person whatsoever, without particular Licence from the Parliament, do presume to print the Declaration, intituled, *A Declaration of the Parliament of the Commonwealth of England, relating to the Affairs and Proceedings between this Commonwealth and the States-General, &c.* nor any the Papers therewith printed, other than the Printer to the Parliament. *Hen. Scobell, Cleric. Parliamenti.*

London, printed by *John Field*, Printer to the Parliament of *England*, 1652.

Inter-regnum.

1652.

May.

pressions, before their Deliverance from the same by the Mercy of God, be remembered, and the Principles and Spirit which then acted in them, and the ready and constant Help which they have had in all Times from this Nation, and that with no small Expence of *English* Blood and Treasure, the Returns which they have made towards this Commonwealth will hardly be believed.

‘ It is not intended to be very particular in mentioning the State of the Affairs of this Commonwealth as it stood when oppressed by a Tyrant; they were necessitated to fly to Arms for Defence of their Lives and Estates, because in Parliament they did but assert and desire the settling of their just and native Liberties; wherein, by so many Wonders, in so many signal Battles, by such a Series of Providence in *England*, *Ireland*, and *Scotland*, the Lord was pleased to bless a poor Handful, who approved themselves faithful to that Cause.

‘ Neither is that Endeavour to divide them in the memorable Year of Forty-eight, to be omitted; nor the great Preparations made against this Nation in the Year 1650, which necessitated their Proceedings in *Scotland*, being refused Satisfaction for fore-past Wrongs, and denied Assurance of Peace from them, who had received the declared Enemy of this Commonwealth from the United Provinces, where that mischievous Contrivement was hatched against *England*, and from whence their Enemies had much open and secret Assistance by the Interest of the Prince of *Orange* and others, even at a Time when that Prince and his Adherents were contriving, as was most probable, to erect a Tyranny upon those Countries, and to reduce them to their former Bondage, of which he missed but narrowly, especially in his Attempt upon *Amsterdam*; which Things are better known there than here, and are not the Purpose of this Declaration.

‘ Neither is it pleasant to remember that cruel and bloody Business of *Amboyna* towards the *English*, for which no Satisfaction at all hath been given, though
often

often demanded in that Case, and in others not unlike it.

Inter-regnum.
1652.

May.

‘ But such was the Affection of this Nation towards the People of the United Provinces, and to the Establishment of Liberty, and the Advantages of Traffic and Strength to both; but, above all, to the Advancement of the true Protestant Religion which both profess, and which, in human Probability, would receive the greatest Growth by their Friendship; and observing, in some of the Governors and People of those Countries, an Affection to this Cause, and particularly expressed by them in their free Contribution for the poor Protestants in *Ireland*, that so soon as the Affairs here came, by the Blessing of God, to any Consistency, the Parliament did send a Resident to the States-General, who expressly refused to receive him, as themselves very well know.

‘ The Affairs here being yet further prospered by the Almighty, and the Affection and Judgment the same still in respect of their Neighbours, the Parliament sent again, and joined with their Resident there another worthy Person, Dr. *Doriflaus*, who were instructed and enabled to see if, by any good Means, a right Understanding might be had; but one of these public Ministers, Dr. *Doriflaus*, being come upon this public Employment to the *Hague*, the Place of Residence of the States-General, was there most barbarously and openly murdered, of whose Assassination the World will judge as of an Action most abhorred, against all Rules of National Inter-course, and even Humanity itself; and how little was done there to attach the Murderers whilst the Business was fresh, or hath been done since, though often called upon from hence, they well know, and must be here remembered.

‘ On the other Side, the States having formerly sent their Ambassadors, the Lords *Borele*, *Renzwo*, and *Joachimi*, into *England*, in the Time of the late Troubles, pretending all good Offices, which proved to be a Correspondence with the Enemy, and a Means of assisting them against those to whom they were sent. This, with Reproaches by them cast

Inter-regnum.
1652.
May.

upon the Parliament, was the Work of those Ambassadors ; for which, how liable soever by the Practice of Nations they left themselves, yet not the least Incivility was offered to them, but their Demeanor made known to their Superiors, and Reparation desired, but none vouchsafed.

‘ After these Passages, when it had pleased God to put a full End to the troublesome Affairs in *England*, not one Garrison upon the firm Land being in the Enemy’s Hands, nor any Force on Foot ; but all reduced to Peace and Settlement ; the Affairs of *Ireland* in a good Condition ; most of the Towns and Cities there in the Parliament’s Power ; and their Affairs in *Scotland* not unprosperous ; when there was much less Cause to apply to the States, for any Need the Parliament had of their Assistance, or if they should have looked upon themselves and their Neighbours, as other States used to do, yet still retaining the former Principles of Affection and Judgment of the great Concernment, an Union between the two Commonwealths would be to the upholding of the Protestant Interest, so much designed upon by the Enemies thereof, and unto common Good and Liberty.

‘ The Parliament did send a solemn Embassy to the States-General, the Ambassadors enabled and instructed to endeavour to compose former Differences, and to effect a firm and strict Union, as far as might be consistent with Reason and Justice, and the Honour of this Nation, and be for mutual Good. Nay, they can say, That those Ambassadors from hence were empowered to make such Tenders unto, and Agreement with, the States, as would have demonstrated the Affection of this Commonwealth, to the Good of the People of the United Provinces, the same as to themselves.

‘ How unheartily and dilatorily they were dealt with in relation to their Errand, whereby the Embassy was rendered of no Effect ; how unsafe (to say no more) they were in their Persons during their Abode in the *Netherlands* ; what Indignities were offered to them and their Followers, and unpunished ;
and

and at whose Door the Fault hereof doth lie, is too apparent. But these Endeavours for Friendship, by this Delay and Averseness on the States Part, becoming fruitless, the Honour of this Commonwealth in the Persons of their Ambassadors wounded, and their Desires of Amity thus slighted, the Ambassadors were recalled home.

Inter-regnum.
1652.
May.

‘ By this appears what hath been done to procure a firm League and Amity with the United Provinces, and what honest and sincere Endeavours have been on the Parliament’s Part to effect it; who, in the mean Time, proceeding on to conflict with those Difficulties which Providence called them unto in *Scotland* and *Ireland*; and the same gracious Hand of God which had gone along with them, having brought their Affairs in *Ireland* to so good a Pass as that little remained there to be done; and prospering the War in *Scotland*, so as that Country being in a Manner quitted to them, and the *Scots* Army, under the Command of *Charles Stuart*, Son of the late King, marching into *England*, was totally defeated at *Worcester*, and almost all of them killed or taken, except himself and some few others hardly escaping.

‘ Then, and not before, the States-General thought fit to send an Embassy to this Commonwealth, which was received with such Willingness and Affection, as might testify for them they stood fixed to their former Principles.

‘ As the Treaty went on, having some Reason to avoid Dilatoriness, and to desire Certainty, when positive Demands were pressed to the States Ambassadors, they were evaded in Things not of the hardest Resolution, with Allegations of Want of Power, though their Commission shewed no such Restraint; yet, to obtain further Power, Returns must be made to their Superiors, and before Answers could be had, the Provincial States must be assembled, which gave small Grounds of any real Intendment of a firm Peace and Amity.

‘ During the Time of Treaty also, whilst at the first their Ambassadors Debates seemed to seek no better

Inter-regnum.

1652.

May.

better Props than of Ingenuity and Reason, the Ambassadors of the States acquainted the Parliament, that 150 Ships of War were intended to be set out by their Superiors, besides those of their Navy then abroad; and all these pretended for more Security of the Sea, and Conservation of the Trade and Navigation of the United Provinces; but not to offend *England*.

‘ Whether this were done to amuse the Parliament, or to denounce against them, is to the States best known, and the Grounds of those extraordinary and great Preparations, when they had no Enemy at all in these Seas.

‘ To these Things the Parliament made no other Answer, but quietly intended a Provision for their own just Defence, in case any should invade them. Nevertheless, not altering their Resolutions more or less, as to the Things to be insisted upon or granted, having made Justice and Honour, and a mutual Good, in Preservation and saving of each Rights to other, the Rule to steer their Actions by, who were most willing to come to a happy Close to this Treaty, and were not, to their Knowledges, wanting in any thing which might testify their Reality to finish the same.

‘ In the mean Time the States go on with their Preparations at Sea, appoint their several Rendezvous of their Fleet, tending to a Conjunction of all into one, under the Command of him whom they call Lieutenant-Admiral *Trump*: What his Intentions or Instructions were, his own Deportment and some precedent Actions will demonstrate.

‘ Particularly when, amongst others, one of their Ships being met by a Man of War, under the Command of Capt. *Young*, was in a friendly Manner summoned to give the usual Respect to the Ships of War of this Nation, which another of his Company had done before, and which hath been accustomed, not only as a Civility and Respect, but a principal Testimony of the unquestionable Right of this Nation to the Dominion and Superiority of the adjacent Seas, acknowledged generally by all the neighbour

bour States and Princes, and particularly by themselves and their Predecessors, besides many most authentic Records and other undeniable Proofs, together with a constant Practice in Confirmation thereof, yet he refused; affirming, That if he did it he should lose his Head.

Inter-regnum.
1652.
May.

‘Not long after this ensued that Action of *Trump*, the Particulars whereof are set down in the Narrative herewith printed, by which that hostile and injurious Act appears to have been done against Neighbours in Amity, who have so often and earnestly desired, and testified, their Willingness to firm and continue the same; and this also veiled with, and in the Midst of, a Treaty of Peace offered by themselves. Accompanied also with such Arrogancy and Injustice, not only to the denying of so unquestionable a Right, but usurping upon the same; and in Prosecution of that Injury without any Provocation, seeking out the Ships of this Commonwealth in their own Seas, upon their own Coast, in their own Roads, there falling upon them, beginning a War, and thus endeavouring the Destruction of their Men and Ships, even to the beating them out of the Sea, and utter Subversion of the Naval Power and Trade of this Commonwealth, had not God, by his Goodness, turned the Shame thereof upon the Heads of those who were the Wrong-doers.

‘After this long Patience of the Commonwealth of *England*, and after these high Injuries and Provocations thus forced upon them, the Success at Sea not answering Expectation, it pleased the States-General to send another Ambassador Extraordinary to the Parliament; who, as the former Ambassadors, a little before his coming had done, laboured to excuse their Superiors from having any Intention, or giving any Instruction, to warrant this Dealing; which, notwithstanding the Preparations, the returning from another Course, and seeking out the Parliament’s Ships in their own Roads, and there falling upon them without the least Provocation, as before is mentioned, was yet by the Ambassador called an Accident, and a Thing done by meer Chance;
the

Inter-regnum.

1652.

May,

the Action in the Name of his Superiors utterly disclaimed, yet the Employment and the Agent continued by them and reinforced.

‘ And when the clear Truth of this unworthy Fact, bearing in itself part of the Proof thereof, by the Fleet under the Command of *Trump*, coming purposely into the Road of *England* unto their Fleet, and the rest thereof being attested, not only by many Eye-witnesses, *Englishmen*, but also by divers Officers, and others of the *Netherlands* taken in the Fight, who concur fully in the Testimony, yet a long and intricate Way of Examination thereof is propounded, a Cessation of Acts of Offence and Hostility in the mean Time desired, and a new Proceeding upon the old long Treaty entered into by the former Ambassadors; that Time being thus gained, an Addition of Strength might therewith be provided.

‘ The Powers of this Ambassador being desired to be seen, none but his Credential Letters, and some Passes for his Transportation were produced; but no Power to treat and conclude with the Parliament; for which material Point he resorted to the Powers of the former Ambassadors, who had Commission to treat and conclude upon the former Negotiation, and owned this also; and although they came upon the general Business of the Treaty of Alliance between the two Commonwealths, and the Lord *Pawe* came upon a particular Action, done after that Treaty begun and proceeded in, yet such was the continued Desire of the Parliament, if possible, to compose the said late Differences in a friendly Way, that they proceeded to treat with the Lord *Pawe*, waving the present Dispute upon his Want of Powers.

‘ And when nothing in particular was tendered by the Ambassador, but the Generals before recited, and a Proposal, That the Parliament would make their Demands to him, they were contented, not insisting upon the Disadvantage thereof, to make their Demands unto the Ambassador for Satisfaction for Wrongs past, and Security for the future, which are herewith likewise printed, whereby it was put into the Hands of the Ambassador, to come to an Agreement

Agreement upon the Demands of Satisfaction to be by both Parties moderated and asserted, as was propounded to him in another Paper; and, upon such Agreement for Satisfaction, (the Demand for Security being left to After-consideration) to have a Cessation of all Acts of Hostility and Offence as he desired, and the Parliament was thus willing to assent unto.

Inter-regnum.
1652.
May.

‘ But instead of drawing towards any such Agreement, or endeavouring to come to Particulars therein as was offered, the Ambassador was not pleased at all to second or pursue his former earnest Desire of a Cessation, though it were thus in his own Power to accomplish, but wholly declined the same; and, for himself and the other Ambassadors, desired speedy Audience to take their Leaves, and to depart into their own Country, being expressly commanded (as they affirmed) so to do; and in that they were not denied any Respect or Accommodation, nor used, during their Abode here, as the public Ministers of this Commonwealth had been in the United Provinces: And by this Departure they were pleased to put a Period both to the one and the other Treaty.

‘ At their last Audience in Parliament, much was recited of the same Matter contained in their former Papers; and as to that which they then urged concerning Acts of Hostility not looked for, neither at any Time before declared; and that their Ships, brought into the Ports of *England*, and there detained of late against their Thought, and before any Declaration of Hostility issued out, and whereof the Commanders are unaware and guiltless, having not given the least, nor to Nobody, Occasion of Disputes, might be released, the Parliament therein need but refer to the Narrative by them published, and delivered to the Ambassadors of the Lords the States General, before the Arrival of the Lord *Pawe*, and seen by him at his first coming.

‘ And although that first Breach and high Injury done by *Trump*, was on the Parliament’s Part altogether undeserved and unlooked for, yet, after the same committed, a Prosecution against the Wrong-doers

Inter-regnum.
1652.
May.

doers could not, in Probability, but be looked for from the Parties injured, to whom no Satisfaction hath yet been offered, unless the Parliament should quietly and tamely have laid themselves down at the Feet of those, who have thus endeavoured the Ruin of them, and have betrayed into those Hands the Rights and Safety of the People of this Nation, which few would have esteemed agreeable to the great Trust in them reposed.

‘ By these Proceedings, faithfully represented to the View of the World, it will be more than evident with what Affection and Constancy the Parliament have laboured for the Friendship of the United Provinces; how carefully they avoided all Differences and Occasions of a War between the Nations, tho’ all such Overtures of Amity and nearest Alliance have been rejected.

‘ At last, when this Commonwealth was assaulted and invaded, their Ships torn, their Men slain, without the least Colour of any Offence given; upon which Attempts, and the Consequences thereof, had the same succeeded, not only the Rights, Honour, and Traffic, but even the very Being of this Commonwealth had been highly endangered; the Parliament held it their Duty, thus compelled and necessitated into a most unwelcome War begun upon them, to defend themselves; and, whilst a just Satisfaction and Security cannot otherwise be had, to endeavour the gaining thereof by such Ways and Means wherewith the Lord shall enable them.

‘ And herein, as the Parliament doth rest abundantly comforted in the Integrity of their own Proceeding, and faithful Discharge of their Duty, so they assure themselves that all indifferent Persons will entertain this clear Testimony of the Justness of their Cause; for the Issue whereof they depend not upon any Policy or Strength of Man, but only upon the Goodness and Assistance of that righteous God, who hath hitherto, in so wonderful a Manner, appeared for them, and who never failed those that
seek

seek him, and with Uprightness and Sincerity of Heart attend upon him. Inter-regnum.
1652.

HEN. SCOBELL,

Cleric. Parliamenti.

May.

The ANSWER of the PARLIAMENT of the COMMONWEALTH of ENGLAND, to THREE PAPERS presented to them by the Council of State from the Ambassadors Extraordinary of the Lords the States General of the United Provinces, upon Occasion of the late Fight between the Fleets.

‘**T**HE Parliament of the Commonwealth of England, calling to Mind with what continued Demonstrations of Friendship and sincere Affections, from the very Beginning of their intestine Troubles, they have proceeded towards their Neighbours of the United Provinces, omitting nothing on their Part that might conduce to a good Correspondence with them, and to a growing up into a more near and strict Union than formerly, do find themselves much surprized with the unsuitable Returns that have been made thereunto, and especially at the Acts of Hostility lately committed in the very Roads of *England*, upon the Fleet of this Commonwealth, the Matter of Fact whereof, stated in clear Proofs, is hereunto annexed. Upon serious and deliberate Consideration of all, and of the several Papers delivered in by your Excellencies to the Council of State, the Parliament thinks fit to give this Answer to those Papers :

‘ The Parliament, as they would be willing to make a charitable Construction of the Expressions used in the said Papers, endeavouring to represent the late Engagement of the Fleets to have happen’d without the Knowledge, and against the Mind, of your Superiors ; so when they consider how disagreeable to that Profession the Resolutions and Actions of your State and their Ministers at Sea have been, even in the Midst of a Treaty offered by themselves, and managed here by your Excellencies ; the extraordinary Preparations of 150 Sail of Men of War, without any visible Occasion, but what doth now appear a just Ground of Jealousy (in your own Judgments, when your Lordships pretended to excuse

Inter-regnum.

1652.

May.

cuse it); and the Instructions themselves given by your said Superiors to their Commanders at Sea, do find too much Cause to believe, that the Lords the States General of the United Provinces have an Intention, by Force, to usurp the known Rights of *England* in the Seas; to destroy the Fleets that are, under God, their Walls and Bulwarks, and thereby expose this Commonwealth to Invasion at their Pleasure, as by this late Action they have attempted to do: Whereupon the Parliament conceive they are obliged to endeavour, with God's Assistance, as they shall have Opportunity, to seek Reparation of the Wrongs already suffered, and Security that the like be not attempted for the future.

‘ Nevertheless, with this Mind and Desire, That all Differences betwixt the Nations may, if possible, be peaceably and friendly composed, as God by his Providence shall open a Way thereunto, and Circumstances shall be conducing to render such Endeavours less dilatory, and more effectual than those of this Kind heretofore used have been.

HENRY SCOBELL,
Cleric. Parliamenti.

A NARRATIVE of the late ENGAGEMENT between the English Fleet under the Command of General Blake, and the Holland Fleet under the Command of Lieutenant-Admiral Trump, near Dover.

‘ UPON Tuesday the 18th of May, 1652, in the Morning, General *Blake* being gone to the Westward as far as *Rye Bay*, eight Days before, with 12 or 13 Ships, leaving Major *Bourn* in the Downs with eight Ships only, there appeared on the Backside of the *Goodwin* a *Holland Fleet* of Men of War, consisting of 42 Ships, one whereof had a Flag on the Main-topmast-head, the rest Jacks and Antients; and being come unto the *South-Sands-Head*, two of them bore up towards the *English Ships* in the Downs, whereupon Major *Bourn* sent out the *Greyhound* to examine them, and to know the Reason of their so near Approach; who answering, That they

they had a Message to the Commander in Chief in the *Downs*, were permitted to come in; and having saluted the Flag, the two Captains, named *Tyson* and *Aldred*, came aboard the said Major *Bourn*, and acquainted him, That they were sent by *Van Trump* to let him know that he had been riding about *Dunkirk* with his Fleet, where, by Reason of foul Weather, they had lost many of their Cables and Anchors, and the Wind being northerly, were driven further to the Southward than they intended, which *Van Trump* thought fit to signify, to prevent any Misapprehensions or Jealousies. And having said this, and received for Answer, That the Reality of what they said would best appear by their speedy drawing off from this Coast, they departed to their Fleet; and immediately upon their Arrival with them, the whole Fleet stood up to *Dover*, and came to an Anchor within little more than Shot of the Castle the same Day in the Afternoon. Upon their coming before *Dover* Castle, and riding there with Flag in the Main-top without saluting the Castle, the Castle made three Shot at them, notwithstanding which the *Dutch* Admiral kept up his Flag, and rode there at Anchor untill the next Day Noon, and exercised his Musqueteers, by discharging Volleys of small Shot many Hours together. Upon *Wednesday*, about Twelve o'Clock, the *Dutch* Fleet weighed Anchor, and stood off towards *Calais* some four Leagues into the South-East: About the same Time the *English* Fleet under General *Blake*, coming from the West towards the *Downs*, discovered them, and supposed, by their Course, they had been going back. Major *Bourn* likewise was in Sight, coming from the *Downs* to join with General *Blake*. About an Hour or two after the *Holland* Fleet altered their Course, came back again, made all the Sail they could, and bore directly with General *Blake*, *Van Trump* the headmost, with his Flag in the Main-top, and being come within Shot, the General shot a Gun at his Main-top, and then two single Shot more; whereupon *Trump* shot a single Shot thro' the General's Flag, and then immediately gave the first Broadside,

Inter-regnum
1652.
May.

and

Inter-regnum.
1652.
May.

and took in his Pendants, and hung out his Red Flag under the *Holland* Colours, which was the Signal, on their Part, for the whole Fleet to engage : And so the Fight began, which happened between Four and Five o'Clock in the Afternoon, and continued untill Nine o'Clock. In the Fight the *English* took two of the *Holland* Fleet, one whereof, having six Foot Water in the Hold, they left, taking the Captain and Officers aboard, the other being a Ship of thirty Guns. General *Blake* lay all Night where the Fight began, or near thereabouts, and the *Holland* Fleet was espied about four Leagues distant towards the Coast of *France* next Morning.

‘ The Truth of this Relation appears in the Letters of General *Blake*, Major *Bourn*, and others in the Action ; by the Examinations of the *Dutch* Captains, and other Officers taken in the Fight ; the Instructions given to the *Dutch* Captains and Commanders, and other Papers ; all which are hereunto annexed.

‘ And whereas *Van Trump*, in the Account he gives of this Action, makes the Occasion of his coming back upon the *English* Fleet, the guarding of some Merchant-men, richly laden from the *Straits*, which had been in Fight with some of our Frigates. That Action is set down in a Letter, written by Capt. *Young*, (hereunto also annexed) whereby the Occasion, Beginning, and Ending thereof, is declared. And besides, those very Ships which he pretends to come to protect or rescue, upon *Saturday* before had passed by General *Blake*, and were gone to the Eastward.

A COLLECTION of the PROCEEDINGS in the
TREATY between the Lord PAWE, Ambassador
Extraordinary from the STATES GENERAL of
the United Provinces, and the Parliament of the
Commonwealth of England: And first,

Inter-regnum.
1652.
June.

The Lord PAWE's SPEECH at his Audience before the
PARLIAMENT, the 11th of June, 1652.

Right Honourable.

THE public Testimonies and manifest Tokens
of a sincere Benevolence, pure Love, and
true Friendship, which the universal State and Sub-
jects of the United Provinces have always shewed to
the *English* People, and principally to the Parliament
of the Commonwealth of *England*, now prosperously
and happily governing, are so notorious and known
to the whole Christian World, that Nobody can
doubt of it, much less of a true Faith and long-used
Observation of Friendship of the States General of
the United Provinces.

But forasmuch as, by reason of the Variety and
Inconstancy of worldly Things, sometime happen
those Things which do dark the exterior Face with
Clouds, and are like to shew a Distraction of Minds;
but when these Things are prevented by Time, and
all Contrarieties taken away, they will serve more to
conserve and confirm, than to dissolve the Bonds of
mutual Friendship; therefore it hath pleased the States
General of the United Provinces, my Superiors, not-
withstanding they doubt not of the singular Wisdom
and Diligence of their Extraordinary Ambassadors
here, staying about great and weighty Business, to send
me in an extraordinary Embassage to the Parliament
of the Commonwealth of *England*, to present, clearly
and sincerely, their Wishes for the public Safety and
happy Government thereof, with Proffer of all their
good Offices, as I, being so lately come from their
honourable Assembly, can testify out of my certain
Knowledge, that nothing is more in their Hearts
and Wishes, than that not only a firm and constant
VOL. XXIII. P Friend-

Inter-regnum.

1652.

June.

Friendship be religiously kept between both States, but that it may daily grow, and by all Means be consolidated, and nothing may happen which may break or any way disturb the Bars of mutual Safety, Profit, and Friendship, between so neighbour Nations; and that therefore they have received, with great Astonishment and Sorrow of Heart, the News of what, contrary to all Expectation, hath lately happened between the Admirals of both Commonwealths. But forasmuch as this unlooked-for and unexpected Case might not only raise new Troubles, but also give Occasion of Suspicion, as if the present Treaty for a mutual Alliance, and a straiter Corroboration of the old Friendship, was not earnestly prosecuted, and therefore we should labour in vain to come to an happy End, my Superiors have not thought amiss, but rather convenient, even necessary, that, at this Time, and upon this unhappy Case fallen out, I should, above the ordinary Use and Custom, and therefore superabundantly, (seeing that, by reason of my Office, I have been in all their Councils) represent, openly and sincerely, to the Parliament of the Commonwealth of *England*, all the Particulars which have happened, as well before as after that Fact, as they are come to their Knowledge, to remove all Things out of the Way which might breed any Grudge or Breach of Friendship between both States, or cause the least Disturbance or Delay to the Treaty.

‘ Therefore, by Virtue of the Credential Letters of the said General States, and in their Name, I do protest and declare to the Parliament of the Commonwealth of *England*, That they have never entertained in their Thoughts, never acted, much less commanded, any thing which might offend the Dignity of this Commonwealth, lessen the common Friendship and good Correspondence which hath endured for so many Years, or, under any Pretence whatsoever, sow any Seed of Misunderstanding; but rather that the said States have intended with all their Hearts, and endeavoured by all their Power, that the said Friendship and Alliance might be perfected
in

in the best Way, and speedily, and might be solemnly established for ever, for the Safety and Advantage of both Commonwealths. It is very true that a great Fleet hath been prepared in the *Low Countries*; but that the States General have, by the continual Complaints of their Subjects, been forced to consent to it, is also a Thing most certain and known; as also, that they have ordered, That Notice thereof should be given to the said Parliament, which was done and signified to no other Intent, than that the Subjects of the United Provinces, which had suffered great Damages at Sea, and lost several Ships, should be secured and protected by just and ordinary Means; and that no Wrong or Offence should be offered to any, much less to undertake any Dispute against the Fleet and Ships of the same Parliament, upon the Controversies and Differences of the Sea: All which being done and performed in that Manner, and nevertheless there having accidentally happened of both Sides a great Debate and Controversy between both Fleets, the States General have thought fit to acquaint the Parliament of *England* with the Relation sent to them in Writing by their Admiral, and approved and witnessed by their Captains, and other faithful Persons, That the Admiral *Trump*, more by Necessity than other Reasons, is come nigh the Fleet of this Commonwealth, and hath first sent his civil Salutation to the Commander *Bourn*; and having afterwards met accidentally with the Admiral *Blake*, put out his Boat to send some Deputies unto him, and to declare the Reasons of his Coming, and besides that, commanded to take down his Flag; but when he saw that he, against all Expectation, was unhappily saluted by him with a Broadside, he thereupon discharged his Guns, not to offend but to defend himself; and that from thence, by meer Accident, rather than purposely, was raised a Fight amongst those Fleets, which, by the Lord's Blessing, shortly after was ended. Which, forasmuch as it was begun by an unexpected Salutation, and not continued with Earnestness by ours, nor done or committed by alienated Minds, or any Reasons

Inter-regnum.

1652.

June.

Inter-regnum.

1652.

June.

known before, but by Chance, therefore the States General do friendly desire, That the Parliament of the Commonwealth of *England* will be pleased to believe, and be persuaded, That nothing was done with a consulted Purpose or foregoing Command; but merely by a casual Chance, and perhaps by reason of the Fragility and Inconstancy of the worldly Things; and so much the more direct their Councils and Commissions thither, that all Obstacles, Offences, and further Wrongs, may, with all Speed, be removed out of the Way and prohibited, as the States General, on their Part, are prompt and ready to apply convenient Remedies. They judge that it concerneth much the whole Christian World, and principally the States of the Reformed Churches abroad, that those Misunderstandings do not grow greater between these Commonwealths, and that between Neighbours, Partakers of the same Faith, should arise any Dissention which should disturb and interrupt the common and necessary Commerce, and give Occasion, as well to their known as to their secret Enemies, to lay Waits, or to draw into divers Parts, those Commonwealths ready to be united in a common Alliance; and, by such Means, removing from themselves the Seat of Calamities and War, to bring it (which God forbid) to their own Destruction. To prevent so great a Danger, and that the Evil may not spread further, I am commanded by Times to propound, and do all my best, That, by convenient Means, there may be a speedy Composure made of what is past, and that there may be Order taken, that hereafter such unlucky and unhappy Cases happen no more between the Fleets of both Commonwealths, wherein they desire the Dignity and the Honour of the Parliament of the Commonwealth of *England* may be conserved.

Whereas then the States General do herewith openly declare to the said Parliament, That they desire intirely that all Offices of Friendship and Benevolence may be continued, the contrary may be prevented, and that the Councils of all Sides may be directed to the desired End and Conclusion of the mutual

mutual Confederacy; therefore I do earnestly intreat that it may please the said Parliament to hear and understand me without any Delay, by their Deputies or Council of State, and proceed without Intermission in the just and amicable former Transactions, to bring the principal Business to an End and Conclusion, as the extraordinary Ambassadors of the States have Charge and are ready to do.

‘ At the same Time I do return my Thanks for the singular Favour done to my Lord *Newport*, in granting him some Days ago one of the Parliament’s Ships for his Return into the *Low Countries*; and the said Lord being a Member of the States of *Holland* and *West-Friesland*, I am charged to desire him to stay here, to communicate Counsels, and return with me; which I hope will not be displeasing to the Parliament, to whose Benevolence I, with all Respect, recommend me and all my Offices.’

To the PARLIAMENT of the COMMONWEALTH of ENGLAND.

A TRANSLATION of the LETTERS CREDENTIAL to the Lord PAWE.

The States General of the United Provinces of the Low-Countries.

‘ **W** Hereas we have found convenient, even very necessary, in the present Condition of the Affairs in *Europe*, to send to the Parliament of the Commonwealth of *England*, the Lord *Adrian Pawe*, Knt. Lord of *Heemsted*, *Hogersmilde*, *Ritwick*, and *Newkerk*, Counsellor Pensionary of *Holland* and *West-Friesland*, and Ordinary Deputy in our Assembly from the said Province, as our Extraordinary Ambassador; having made Election of his Person, as of one of which, for his rare Qualities and long Experience, we make a high Esteem, and have a great Confidence; being well acquainted with our good and sincere Intentions, which have no other Aim than the maintaining, increasing, confirming,

Inter-regnum.
1652.
June.

firming, and strengthening, more and more, the the good Amity, Correspondence, and Alliance between both Nations and States, grounded upon common Interests of Religion, of State, and Commerce; having such Confidence of his Ability, Prudence, Fidelity, and Diligence, that we do refer ourselves to him to express them *viva Voce* to the said Parliament of the Commonwealth of *England*, and chiefly the Zeal that we do continue to have for all that may concern the Common Good and Security of both Nations: Wherefore we intreat, with Earnestness, and with all our Affection, the said Parliament of the Commonwealth of *England*, by these Presents, that they be pleased to give a favourable Audience to our said Extraordinary Ambassador, and to give him absolute Credence as to ourselves, in all that he shall say and propound of our Part in this present Condition of the Affairs of both Commonwealths.

Done at the Hague, in Holland, the 14th of June, 1652.

Friday, June 11, 1652.

Mr. Speaker, by way of Report, acquaints the Parliament with what was delivered by the Lord *Paive*, Ambassador Extraordinary from the Lords the States General of the United Provinces, at his Audience in the House this Day, and presented the Paper delivered in by the said Lord Ambassador Extraordinary, and the Translate thereof in *English*, which was this Day read.

Ordered, by the Parliament, That these Papers be referred to the Council of State; and that it be likewise referred to the said Council, to hear what the said Lord Ambassador Extraordinary hath further to say, and to treat with him, they holding close to the former Answers and Declarations the Parliament hath made, and report it to the Parliament with all Speed.

HENRY SCOBELL,
Cleric. Parliamenti.

The

The Lord PAWE's SPEECH at his Audience in the Inter-regnum.
Council of State. 1552.

Right Honourable,

“ **W** Hereas it hath pleased my Lords the States General of the United Provinces to send me, besides their Extraordinary Ambassadors, in the same Quality, to the Parliament of the Commonwealth of *England*; and having Yesterday had the Honour to declare, in their full Assembly, the true Subject of my Coming, and the sincere Intentions of my Superiors, therefore I think it to be my Duty to appear likewise before this Honourable Council to present my Credential Letters, and wish your Honours all Felicity and good Success in the Direction and Managing of so great Affairs as are to them committed by this great Commonwealth. And as I have declared unto the said Parliament, so do I likewise declare again, with Truth and certain Knowledge, That my Lords the States General have always had, and have at this present more than at any Time before, a very great Desire to maintain, increase, and keep faithful the good Friendship, strait Alliance, and perfect Correspondence, which hath so long endured between both Nations and States, whereof there hath been heretofore many notorious and manifest Testimonies. It is most certain that my Superiors have nothing more in their Hearts, than to see a Finishing and Conclusion of the Treaty of Alliance between both Commonwealths, to the End that thereby a straiter Union and brotherly Concord may be established, to subvert and destroy all Plots and Divisions which would trouble and much endanger the one and the other, as also make them less considerable to the Christian World. This is, my Lords, the very Aim of the Enemies of the reformed and orthodox Religion, making a certain Account that they will be able, by such a Disagreement and Division, not only to weaken both States, but to bring them also to the utmost Extremities: But both People being blessed by the Lord with that precious Gift of the true Religion,

Inter-regnum.
1652.
June.

gion, and wonderfully provided, besides the spiritual, with temporal Benedictions, by the Benefit of Navigation and Commerce in all Parts of the World; and my Lords the States General judging that the first ought necessarily to be conserv'd, and the other be look'd to, the Religion maintain'd, and the State secured, did believe that all those Inconveniences can be no better prevented, than by joining the Souls and Goods of both Commonwealths, and by this Means make them able, with God's Assistance, to shun all Machinations to the contrary. Therefore the unexpected News of the Meeting of the two Fleets, and the Offences given on both Sides, hath brought no small Trouble amongst the States General, who have thereupon judged most necessary to dispatch, extraordinarily and speedily, to inform the Parliament of the Commonwealth of *England* and this Honourable Council; and, to perform such Endeavours, made Choice of me, that have been admitted in both Assemblies of the States General, and of those of *Holland* and *West-Friezeland*, and acquainted with their most important and most secret Councils and Deliberations, to witness here with most certain Knowledge of the Matter, and no less Truth and Faithfulness, that no Deliberation was made, no Resolution taken, no Commission, directly or indirectly, given to displease, in any ways, the Commonwealth of *England* to offend them, and much less to set upon their Fleet or Ships; but that, on the contrary, there was Command given to deal with them in all Places as with the best Friends, and to shew them all Kind of Favour and Courtesy.

‘ And as, in the said unhappy Meeting, Things have been on both Sides otherwise, and very unwarily acted, whereof I made Yesterday a large Relation, which I do not intend to mention again at this present, nor to revive that which ought to be buried and entirely forgotten: Notwithstanding, having understood, out of the last Answer delivered to our Ambassadors, that there is a Satisfaction demanded for what is past, and Security for the future; and my Lords the States conceive it to be necessary, that
all

all Misunderstanding and Misconstruction, of what is lately passed in the said Encounter, may be taken away, and both States secured from the like Inconveniences hereafter; as also that it be proceeded, without Delay, in the continuating and perfecting the Treaty of Alliance so far advanced already: And, moreover, that it be considered of the most convenient and reasonable Means which may remove the Shadows of all Suspicion and Mistrust; and that such Orders be made which the Fleets shall be bound to follow hereafter; to which Purpose I have sufficient Instructions from my Superiors. I desire therefore that it may please your Honours to appoint some of the Members of this Honourable Council, with whom I may, as soon as is possible, begin, continue, and finish that which may serve to the Satisfaction of both States, and removing of all Differences: To which I must add here, that my Superiors did never pretend, nor shall pretend, to dispute the Honour and Dignity of this Commonwealth, which they repute the first and most considerable in *Europe*; and wish that, by an Union of these two formidable States, they might secure them both, preserve them from the Conspirations of their Enemies, and settle, by a perfect Intelligence and Confidence, their common Peace and Safety.

‘ In the mean Time I pray your Honours, that it may please you, by your wise Direction, to order, as speedily as is possible, that the Evil may not, by reason of this unhappy Accident, proceed any further, by committing new Offences, Pursuits, or taking of Ships; but that all Attempts and such Actions may be interdicted and stopp’d, and not by making the Wound wider, even incurable, to expose ourselves to the Will and Pleasure of our Enemies; being confident that we shall be able to find convenient Remedies to remove, friendly and happily, the present Differences, to the Confusion of those who wish and expect it otherwise. I shall be exceedingly beholden to this Honourable Council, if your Honours grant me a speedy Answer upon these, that I may, without Intermission, begin so worthy, profitable,

Inter-regnum.
1652.
Junc.

Inter-regnum.
1652.
June,

profitable, and necessary a Work; commending myself, in the mean Time, with all Respects, to your Honours Favour.

Pronounced in the Council of State of the Parliament of the Commonwealth of England, the $\frac{2}{3}$ of June, 1652.

Monday, June 14, 1652.

At the COUNCIL of STATE at Whitehall.

‘ In pursuance of an Order of Parliament of the 11th of June, 1652, the Council hath appointed the Lord-Commissioner *Whitlocke*, Lord-Commissioner *Lisle*, Lord Viscount *Lisle*, Lord Chief Justice *St. John*, Mr. *Bond*, Mr. *Scott*, Col. *Purfey*, Sir *Henry Vane*, Sir *William Masham*, Col. *Marten*, and Col. *Morley*, or any three or more of them, to be Commissioners, to meet with the Lord *Pawe*, Extraordinary Ambassador to the Parliament of the Commonwealth of *England*, from the States General of the United Provinces, to receive from his Excellency such Overtures as he shall please to make in Writing, and to confer and treat with him thereupon, and make Report thereof to the Council; and that they do meet with the said Lord Ambassador Extraordinary at Four of the Clock this Afternoon, in the usual Place for the Purpose aforesaid, and so, from Time to Time, as there shall be Occasion; and that Sir *Oliver Fleming*, Knt. Master of the Ceremonies, do signify the same unto his Lordship, and attend him to the Place appointed.

Exam. JO. THURLOE,
Clerk of the Council.

Monday, June 14, 1652.

At the COUNCIL of STATE at Whitehall.

‘ Ordered, That the Commissioners appointed to treat with the Lord *Pawe*, Extraordinary Ambassador of the United Provinces, do demand of the said Lord Ambassador a Sight of the Powers and Authorities given to him by his Superiors, to treat and

con-

conclude upon such Matters and Things as he hath to offer; and acquaint him, that the Parliament desires that all Speed and Expedition may be used on his Excellency's Part in this present Treaty desired by himself; assuring his Lordship, that nothing shall be wanting on the Part of the Council of State, which may be any way conducing to bring the same to a speedy Issue.

Exam. JO. THURLOE,
Clerk of the Council.

Inter-regnum,
1652.
June.

A SUMMARY of what the Lord ADRIAN PAWE, Extraordinary Ambassador of the States General of the United Provinces of the Low Countries, hath propounded to the Deputies of the Honourable Council of State of the Parliament of England, the 24th of June, 1652.

THE said Lord Ambassador having heretofore abundantly declared, That the States General (as it will be found, and always appear) have no ways deliberated, neither in public nor in private, much less given any Charge, Order, or Commission for committing the least Offence against the Parliament of the Commonwealth of *England*, their Fleets, Ships, Officers, or Subjects; but rather they should be met with the usual Civilities and Kindnesses, and with the ordinary Expressions of Friendship; therefore none can anywise call into Question their sincere Intentions for the maintaining and increasing the antient and common Amity.

For the same Reason, that cannot be imputed to the said States General which happened lately between both Fleets; nor should thence arise any Discontent or Offence, nor any Cause of attempting against their Subjects, being a Thing directly contrary to the antient Friendship and Correspondence between both Nations: And the said Encounter having happen'd by meer Chance, and without any Design, the said Lord Ambassador hath propounded, whether it were not better to lay aside that which is past, insomuch that it should be taken of both Sides as a Thing not done,

Inter-regnum.

1652.

June.

done, and so all be left as before; and that there might a speedy Order be taken for the Redress of what hath been done since, in such Sort as no external or internal Mark may remain of the same.

‘ Nevertheless, if the Pleasure of this Honourable Council is otherwise, although the said Ambassador hath plainly and sincerely related all which is come to the Knowledge of his Superiors concerning what is past, having received, (as also the other Ambassadors) besides the former Informations before his departing, several remarkable and considerable Attestations *in probanti Forma*, and hath heard that there are here quite other and contrary Informations, whence it doth appear, that the Parties are disagreeing in their Evidences, and so it is a hard Matter to judge clearly of the Fact.

‘ The said Ambassador therefore hath thought fit to propound, that the Things passed should be more exactly examined, and necessary Informations made by either of the Parties, or conjunctly by both; that, after certain Knowledge gotten, the Truth may be discovered by Commissioners specially deputed of both Sides upon this Matter, to know which of the two hath made the first Attempt, and given Cause to the following Disorders.

‘ The said Ambassador doth declare, That if it may appear that the Admiral of the States General hath made the first Assault, he shall not only be disowned in the like Case, and his Fact disapproved of by the said States General, as having transgressed their Orders and Commission, but they shall also cause him to be punished for the same, according to the Importance of his Attempt, for having disobey’d their Commands, and chiefly for having given just Cause of Offence to their good Friends and Neighbours. Desiring also of this Honourable Council, that if, on the contrary, it be found true, by the Informations, that the Admiral of the Commonwealth of *England* hath given Occasion to the said Encounter, and hath the first assaulted, it be likewise declared, That the Parliament will in that Case disown

the

the said Admiral, and command the same Punishment to be put upon him.

‘ It is to be believed that the sincere Intentions of the States General will not only appear, and all Suspicions be taken away; but that the Means of a just Reparation and necessary Satisfaction will be easily found, other States and Commonwealths having taken the same Course, and followed the same Method, with good Success; whereof the Lord Ambassador hath produced divers Examples.

‘ And to the End that the like Inconveniences may no more happen hereafter, the Lord Ambassador hath declared, That the States General have never had the least Intention, nor have yet any at this Time, to lessen, in no ways, the Honour and Dignity of the Parliament of the Commonwealth of *England*; but that they have given Command heretofore, as also since the late unhappy Accident, new Order, that, upon Meetings and Salutings of the Fleets or Ships of War, concerning the striking down of the Flag, and what belong to it, there should be the same Honour done to the Parliament of the Commonwealth of *England*, as formerly done during the other Government, hoping by this Means to give and receive Content reciprocally.

‘ And as it is most necessary to confirm the mutual Friendship between both Nations, that the Negotiation of the Treaty between both Commonwealths be advanced, and brought to an End as soon as can be, the said Lord Ambassador hath represented, and earnestly desired, That since the Lords Extraordinary Ambassadors have, after divers Conferences, by their last Remonstrance, manifested their Superiors Intention concerning the said Treaty, it should also please the Honourable Council to express and signify theirs clearly, that it may appear what Differences are fit to be reconciled, that all Difficulties may be removed, to come the sooner to a good, firm, and lasting Conclusion, by which the Minds may be on both Sides pacified, and an everlasting and indissoluble good Intelligence established.

‘ More-

Inter-regnum.

1652.

June.

Inter-regnum.

1652.

June.

‘ Moreover, the said Ambassador hath instantly desired, That all Ways of Fact and Offences be inhibited and stopp’d by Order of the Honourable Council; and, chiefly, that the Persons, Ships, and Goods of the Subjects of the United Provinces, as well Military as others, be indifferently freed and released from their Restraint and Detention, and all that have been, or are, by Force detained, be set at Liberty; and that the Innocents may receive no more Hurt or Trouble, as we are ready and resolv’d to do the same of our Part.

‘ The said Lord Ambassador hath also desired it may please the said Honourable Council to make known to him, without Loss of Time, their good Intentions and Resolution upon what is abovesaid; and chiefly upon the Continuation of the Treaty begun, the Cessation of all Ways of Fact upon the Relaxation of the Ships detained and arrested, Persons and Goods, of the Subjects of the United Provinces, seeing he hath lost no Time to declare sincerely from his Superiors, and assure the said Honourable Council of the Continuation of their good Affection and perfect Friendship.’

June 14, 1652.

At the COUNCIL of STATE at Whitehall.

‘ Ordered, That the Commissioners appointed to treat with the Lord *Pawe*, Extraordinary Ambassador from the United Provinces, do insist upon the Sight of his Authorities before they proceed to this Treaty.’

A PAPER from the Lord PAWE, June 15, 1652,

To the Right Honourable the COUNCIL of STATE of the COMMONWEALTH of ENGLAND.

‘ **T**HE Extraordinary Ambassador of the States General of the United Provinces having had the Honour to come twice in Conference with your Honours Commissioners, and there to propound several Things concerning the Quality he cometh in,
and

and the re-establishing the good Friendship and perfect Intelligence of both Nations, intreated this Honourable Council that it may please your Honours to consider what the said Commissioners shall report, that he may receive a speedy and favourable Answer, as also be excused for making so much Instance, seeing that he is forced to it by the Conjuncture of such pressing Affairs, and for timely preventing of the Inconveniences which might follow.

‘ Whereupon a Conference being had, the Lord *Pawe*, to manifest his Powers to treat and conclude, insisted on his Credentials and three Passes granted to him, the Copies whereof were by him delivered in, and are as followeth :

The States General of the United Netherlands, to all those that shall hear these Presents read, or see, Greeting :

‘ **K** NOW ye, that we, to expedite several Affairs of Importance, found good to dispatch into *England* the Lord *Adrian Pawe*, Knt. Lord of *Heemsted*, *Hogersmilde*, *Ritwick*, *Newkerk*, Counsellor Pensioner of *Holland* and *West-Friezeland*, Deputy Ordinary of the said Provinces to our Assembly, and for this present our Extraordinary Ambassador; therefore we do herewith command and require all Lieutenants, Admirals, Vice-Admirals, Commanders, and Captains of the Ships of War of these Countries hereunto ordained, or by his Excellency to be ordained and commanded, That they shall, in their respective Ships, receive and transport the Baggage of the said Lord of *Heemsted* into *England*, and to do therein all what our said Extraordinary Ambassador of them shall require, accommodating him during his said Passage in their said Ships, and respecting him according to their Duty. And having landed our said Lord Extraordinary Ambassador, with his Train and Goods, in *England*, to do and perform further what they already may be commanded, or may yet be willed, as shall be required at the Hands of those that it concerns: Of all which the said Lieutenants, Admirals, Vice-Admirals,
Com-

Inter-regnum.

1652.

June.

Inter-regnum.
1652.

Commanders, and Captains, shall not fail, under Pain to incur our highest Indignation.

June.

*Done in the Hague, under our Seal Paraphure,
and the Signature of our Clerk, this 14th of
June, 1652.*

Signed BOACHORST.

By Order of the High Lords the States General.

Signed B. RUYSCH.

*The States General of the United Low Countries,
to all those that shall see or hear the Reading of
these, Greeting :*

‘ **K** NOW ye, that having found good, for the Dispatch of Affairs of Importance, to dispatch into *England* the Lord *Adrian Pawe*, Knt. Lord of *Heemsted*, *Hogersmilde*, *Ritwick*, *Newkerk*, and Counsellor Pensioner of *Holland* and *West-Friezeland*, Deputy Ordinary of the said Provinces in our Assembly, going in an extraordinary Embassy ; we therefore will and command thereupon all Lieutenants, Admirals, Vice-Admirals, Commanders and Captains of the Ships of War of these Countries, That they take in and transport the Baggage and Goods of the said Lord our Ambassador Extraordinary, in their respective Ships, and transport the same over into *England*, in Manner as the said Lord Extraordinary Ambassador shall desire to transport, and as his Lordship shall command and desire ; accommodating also his Lordship on Ship-board, and using all Respect to the said Extraordinary Ambassador, his Train, and Baggage ; and, having landed them in *England*, to do further as they shall be commanded, or already are commanded, or may yet be commanded, as appertaineth to all that it concerneth of all the said Lieutenants, Admirals, Vice-Admirals, Commanders, and Captains, which shall
not

not perform their Duty, shall be punished according to our highest Indignation. Inter-regnum.
1652.

Given in the Hague, under our Catchet or Seal Paraphure, and Sign of our Clerk. on the 14th Day of June, 1652. Signed BOUCHORST.

By the Order of the said High and Mighty Lords the States General. Signed B. RUYSCH.

June.

The General States of the United Provinces of the Low Countries, to all that shall see these Presents, Greeting :

‘**W**Hereas, for the Common Good of Christendom, and for the Advancement of Affairs of great Consideration, Importance, and Consequence, we have found good to send towards the Parliament of the Commonwealth of *England*, the Lord *Adrian Pawe*, Knt. Lord of *Heemsted*, *Hogersmilde*, *Ritwick*, *Newkerk*, &c. Counsellor Pensioner of *Holland* and *West-Friezeland*, Deputy in ordinary from this Province in our Assembly, in Quality of our Extraordinary Ambassador, requiring all Lieutenants, Governors, Chiefs, Colonels, Captains, and Men of War, Guards of Bridges, Ports, Passages, and all Places, and, besides, all other Justices, Officers, and Subjects of the said Commonwealth of *England*, to suffer him, with his Train, Servants, Followers, Goods, and Baggage, to go, pass, and repass, freely, and without Trouble, both by Water and Land, without doing him, or giving him, or suffering to be given him, made, or done, any Trouble, Hinderance, or Disturbance; but rather all Aid, Help, Favour, and Assistance necessary and requisite, and that we would acknowledge the same most willingly in Time and Place.

Given at the Hague, in our Assembly, under our Seal Paraphure and Signing of our Clerk, the 14th of June, 1652.

Was mark'd A. BOUCHORST.

And lower it was written,

By Order of the said States General, was sign'd
B. RUYSCH,

With the Signet of the said General States in red Wax.

Inter-regnum.
1652.

June.

Tuesday, June 15, 1652.

At the COUNCIL of STATE at Whitehall,

‘Ordered, That Report be made to the Parliament of what the Council have ordered and directed touching the Conference with the Lord *Pawe*, Extraordinary Ambassador from the Lords the States General, and of the Papers by him delivered to the Commissioners of the Council, That by these Papers it not appearing to the Council that the said Ambassador hath any Power to treat or conclude, the Council have thought fit humbly to present and submit the whole to the Consideration of the Parliament for their Judgment thereupon.’

TRANSLATION of the LETTER of the Lord PAWE to the LORD-PRESIDENT of the COUNCIL of STATE.

For my Lord the Earl of PEMBROKE and MONTGOMERY, President of the Council of State of the Commonwealth of England.

My Lords,

June 1⁶, 1652.

‘**H**AVING communicated to my Lords the Ambassadors Extraordinary of the United Provinces to the Parliament of the Commonwealth of England, what passed in my Audience and Conference with the Commissioners of the Council of State, and having shewed unto them the Instructions and Orders of my Superiors, they have thought fit to address the inclosed Paper to my Lords of the said Council of State: But forasmuch as Sir *Oliver Fleming*, Master of the Ceremonies, hath signified unto me, That their Excellencies had thought fit to make a Report of the whole Business to the Parliament this Morning, I judged it convenient to intreat your Excellency that the said Paper may be put into the Hands of the Reporter, to be communicated (as well as the other Propositions and Papers) to my Lords of the Parliament. Praying God, my Lord,

to

A P P E N D I X. 141

to bleſs theſe Affairs for his Glory and the Proſperity of both Nations, I will remain ever

Inter-regnum.
1652.
June.

Your Excellency's moſt humble Servant,

ADRIAN PAWE.

The PAPER of the THREE EXTRAORDINARY AMBASSADORS, mentioned in the former Letter.

My Lords,

THE Lord *Adrian Pawe*, Lord of *Heemſted*, Ambaſſador Extraordinary of the United Provinces of the *Low Countries*, having communicated to us what paſſed at the Conferences with the Commiſſioners; and having ſhewed unto us his Inſtructions, and all the Orders of the Lords the States General of the ſaid United Provinces, we would not omit to aſſure your Excellencies, that we have found the whole in as good Form, and as valid, as can be deſired. And we are very well content, by Virtue of the Powers which have been given us, and exhibited and approv'd, to oblige ourſelves, and ſubſcribe whatſoever the ſaid Lord of *Heemſted* hath tranſacted and negotiated in Proſecution of the ſaid Orders; as alſo whatſoever he may tranſact or negotiate as above, either by himſelf or jointly with us, as ſhall be thought moſt conducing to the better perfecting of the Treaty of Alliance between the Commonwealth of *England* and the United Provinces of the *Low Countries*.

Given the 26th of June, 1652.

Thursday, the 17th of June, 1652, reſolved, upon the Queſtion, by the Parliament, That, upon Conſideration of the Report made from the Council of State, the Parliament doth think fit and order, That the Council of State do proceed with the Lord *Pawe*, Ambaſſador Extraordinary from the Lords the States General of the United Provinces, according to former Directions.

HEN. SCOBELL,
Cleric. Parliamenti.

Inter-regnum. *A Paper received from the Lord PAWE, June 17, 1652.*

1652.

June.

To the Right Honourable the Council of State,

‘**T**HE Ambassador Extraordinary of the States General of the United Provinces of the *Low Countries* finds himself necessitated to demand, most instantly, another Audience of the Lords Commissioners of the Honourable Council, and that as soon as possible may be, as well to receive from them the most desired Answer upon those Things that he hath already propounded in the last Conferences, as also to make to their Honours, according to the expresse Charge he hath from his Superiors, other Overtures upon Things of so high Concernment, that they can suffer no Delay: Therefore he desireth earnestly, that this just Demand be as soon as can be granted unto him.’

A Translation of the Paper of the Lord Ambassador PAWE, June 17, 1652.

‘**T**HE Extraordinary Ambassador of the United Provinces hath represented to the Lords Commissioners of the Honourable Council of State, in the third Conference held this Day, as followeth:

‘That the States of the United Provinces have shewed themselves, and are yet resolved, to remain fast to the Amity and intimate Correspondence with this Commonwealth, as they have yet of late made it appear, by granting, during these Fallings-out, to the Company of *English* Merchant Adventurers settled in *Holland*, all the Security and Protection that they have desired, even with this annexed Promise, To continue in the same good Will towards them, though the Distemper should proceed further.

‘That which happened about *Dover* or the *Downs* should not breed a general Quarrel between the two States; but that the same Mischance should be taken for a personal Action, for which those are to answer, who shall be found to have exceeded their Commission.

‘And to the End that this Business might be composed according to the Fact, and the necessary Satis-

Satisfaction done, that it were most fit and expedient to have it examined by Commissioners deputed of both Sides, to have that Person punished which shall be found guilty, according to the Use and Maxims of all States and Commonwealths, by which Means their Quiet and Tranquility, as well within as without, with their Neighbours, is conserved.

‘ Moreover, that the Ships of War meeting at Sea, and behaving themselves as before, and during the Time of the former Government, there shall be thereupon no more Dispute hereafter.

‘ And that when the Confederation now to be done shall be concluded, according to the earnest Desire of the States General, the Friendship between both States and their Subjects shall be more perfect, permanent, confident, and inviolable; and the truly orthodox Religion, which they, by God’s special Favour, do profess, shall have a most potent and sure Protection.

‘ The said Ambassador having again propounded the aforesaid Means, and having added to them several Reasons and Arguments of great Strength, hath desired to be informed thereupon of the Intent of the Honourable Council of State, offering to answer and give Satisfaction upon the remaining Difficulties.

‘ Or otherwise, that it might please the Lords Commissioners to confer with him upon that Matter, or to propound, on their Part, what they may find to be reasonable and just, to compose, speedily, that unhappy Accident, promising to contribute, of his Side, all that shall any ways be in his Power, with his most earnest Intreaties, That the Honourable Council might be, without Delay, acquainted withall; and that the Time and present Affairs might be so well husbanded, that the Business might be compounded by convenient Ways, and without Interruption of the public Peace, and further Exacerbation of the Minds and Spirits of both Nations. All which the said Ambassador hath recommended and offered, with much Affection, to prevent all Provocations and Inconveniencies.’

Inter-regnum.
1652.
June.

Inter-regnum.

1652.

Junc.

The ANSWER of the Council of State, to the Summary of the Lord ADRIAN PAWE, Extraordinary Ambassador of the States General of the United Provinces, presented to the Council the 24th of this Instant June.

‘ **W**Hat the Thoughts and Judgment of the Parliament have been concerning the late Intentions of the Lords your Superiors, and the late Actings of your Fleet within the very Roads of *England*, your Excellency hath understood by the Parliament’s Answer given unto the three Papers of the Extraordinary Ambassadors of your State, before your Excellency’s Arrival here; which Answer, together with the State of the Fact, and the Examinations thereupon had, and then given in, your Lordship takes Notice of in your Papers now before the Council; neither doth any Cause appear to vary from that Judgment, upon any thing since offered by your Excellency. And since the Attempt made by the Fleet of the United Provinces, with the Preparations thereunto (all projected and acted by way of Surprise, and in a Time of Treaty) had the same prevailed, would have highly hazarded the Safety of *England*, it cannot stand with Reason, that this Commonwealth, after such a Warning and great Preservation (which they owe only to God) should leave itself naked and exposed to the like Danger for the future, or suffer itself, in a Case so evident and notorious, under Pretence of more solemn Examinations, or from Examples of other States, which suit not with this Case, to be diverted from applying Remedies agreeable to the Nature of this Evil: And therefore the Council cannot admit of what is propounded by your Excellency, either as to the passing by what is done, or attending the Way of Examinations mentioned in your Papers, which to them seem needless, dilatory, and impracticable.

‘ Touching the Overture of re-admitting the late Treaty, begun by the other Lords Ambassadors Extraordinary of your Nation, after so high a Breach thereof, we conceive it cannot be seasonable, untill
the

the Wound, now under Cure, be thoroughly closed and healed.

‘ And whereas your Excellency hath thought fit frequently to assert the amicable Mind and Intentions of the Lords your Superiors towards this Commonwealth, and hath given Instances of some late Orders and Acts, tending to the Expression of the same; specially concerning the Honour and Respect to be paid unto this Commonwealth at Sea, (being the antient and undoubted Right of this Nation) and granting of the Protection desired by the *English* Merchants now at *Rotterdam*, the Parliament hath not been wanting, on their Part, from Time to Time, to manifest their Desires of Amity with the United Provinces of the *Low Countries*, nor to afford unto the People thereof, residing here, all necessary Protection, tho’ undesired. Nevertheless, in the present Posture of Affairs, it cannot reasonably be expected, that this State should forbear the Prosecution mentioned in the Parliament’s said Answer, for the Ends therein expressed.

Whitehall, June 19, 1652.

A Translation of a PAPER of the Lord Ambassador PAWE, of the 21st of ^{June,} _{July,} desiring a Conference with the Commissioners of the Council of State.

To the Right Honourable Council of State,

‘ **T**HE Extraordinary Ambassador of the United Provinces, having, the 22nd of this Instant, about the Evening, received, by the Hands of Sir *Oliver Fleming*, the Answer which the Honourable Council of State hath been pleased to give him, upon the Summary of those Things by him propounded the 21st, he findeth himself bound to demand, most instantly, another Conference with the Lords Commissioners of the Council, that he may explain unto them more particularly, and more fully, his Superiors’ Intentions, and the better perform the Duty of his Office.’

Another

Inter-regnum.
1652.
Junc.

Inter-regnum. *Another PAPER of the Lord PAWE, of the 21st of*
 1652. *June, 1652.*

June.

To the Honourable Council of State,

THE Extraordinary Ambassador of the United
 ‘ *Provinces* having, the $\frac{21}{29}$ th of *June*, in the
 Evening, something late, received, by the Hands of
Sir Oliver Fleming, the Answer which the Honourable
 Council hath been pleased to give him upon the
 Summary of the Things propounded the $\frac{21}{24}$ th of the
 same Month.

‘ He hath thought himself bound, for the better
 Performance of the Duty of his Employment, to as-
 sert again here ingenuously, as he hath done before,
 according to the Notice and Knowledge he hath of
 the most intimate Deliberations and Consultations of
 the States General, his Superiors, that they having
 no ways propounded, deliberated, nor resolved, to
 give any Suspicion, or the least Occasion of Offence,
 against the Fleet, or Ships, of this Commonwealth,
 he did believe that it would have been sufficient to
 take away all Conceits of the contrary: He hath
 also truly represented the Accident that happened
 between the two Fleets by *Dover* or the *Downs*, as
 it came to the Knowledge of his Superiors by sin-
 cere Attestations of trusty and blameless Persons;
 and hath, to avoid all further Contestations, instead
 of insisting upon those Proofs, opened a Way, by
 which the true and infallible Knowledge of the same
 might have been found out, and by that Means the
 Satisfaction done that could be lawfully pretended.

‘ Therefore that Mischance cannot be any ways
 imputed to his Superiors, who never had the least
 Thought, nor in any sort contributed, towards the
 Infraction of the Friendship which hath always been
 most dear to them, and less towards the Interruption
 of the Treaty of Confederation; for the perfecting of
 which they have had, and have still here, their Ex-
 traordinary Ambassadors.

‘ That may sufficiently appear by the firm and
 constant Resolution of his Superiors, that have ne-
 ver been willing to grant any Letters of Mart or Re-
 prizal

prizal upon the continual Complaints and reiterated Petitions, even the Importunities of the Persons interested in the Ships taken, arrested, and confiscated here, for Fear of giving any Occasion of Discontent to this Commonwealth.

Inter-regnum.

1652.

June.

‘ The same is clearly seen by the Protection granted to the *English* Company settled at *Rotterdam*, (tho’ *ex superabundanti*, and they had no Need of the same) to express more specially their good Intentions; the which may be also justified by all their Actions, none of this State having yet, to this present, received the least Damage, Offence, or Injury, for all the said Proceedings; even our Ships of War having rather suffered themselves to be brought into the Ports of *England*, and there to be detained, than endeavoured to defend themselves against those whom they have always made Account to be their good Friends, as having never heard of any Publication to the contrary.

‘ And to make that Testimony of Friendship the more authentical to this Commonwealth, his Superiors have sent a second Extraordinary Embassage, to disabuse all those that might be pre-occupied or misinformed, and to help the furthering and perfecting of the said Treaty.

‘ But in case all those Overtures and Means of Reconciliation be rejected, and it be resolved here to make Use of those Ways, which, instead of assuaging, shall increase the Evil, and which being against all Maxims of all States and Commonwealths, (who never give their Judgment upon Signs, Presumptions, and Suspensions, but upon infallible and unrepachable Proofs, and as clear as the Sun is at Noon; and who, during a Treaty, do always command, most strictly, a Cessation of all Ways of Fact) shall the more surprize my Superiors, and cause strange Alarms to their People, by making those suffer which are guiltless and coming from far, who never had the least Suspicion, or heard the least Rumour, of a Falling out between both States.

‘ Whereupon the said Ambassador must needs be very much surprized and sorry, desiring, That the said

Inter-regnum.

1652.

June.

said Lords Commissioners be pleased (that no Way for a happy Agreement may be neglected) to propound for, on their Part, some other Expedients, (seeing they have expressed in their last Answer given to the other Extraordinary Ambassadors, *That the most sweet Ways will be always the most pleasing to them*) which may be fit, satisfactory, and convenient, to compose, as soon as can be, that unhappy Business, and restore all Things to their first Temper.

‘ And that in the mean Time they be also pleased to inhibit all Ways of Fact, and to give Order, That the Ships detained may be speedily set at Liberty, praying very earnestly the Honourable Council to explain their Mind thereupon, as also to give an Answer upon the last Articles of the Paper exhibited the $\frac{2}{3}$ rd of *June*, to make him the more able to contribute his best Offices for the Good and Strengthening of the two Commonwealths. This $\frac{2}{3}$ rd of *June*, *July*, 1652.’

Another PAPER of the Lord PAWE, June 23, 1652.

To the Honourable Council of State,

‘ **T**HE Extraordinary Ambassador of the United Provinces, considering the Importance of the Affairs now in Hand, and the imminent Dangers that threaten both States, is forced to be importunate with your Honours, in recommending most earnestly the Care of your Answer upon his last Conference; and intreating you, with all his Affection, that the same may be a convenient and lawful Means to assuage the Differences, and restore the Union and perfect Intelligence between both Commonwealths, and their reciprocal Subjects. — This $\frac{2}{3}$ rd of *June*, *July*, 1652.’

The ANSWER of the PARLIAMENT to that Part of the PAPER given by the Lord PAWE, whereby he desires the Commissioners of the Council to propound what they shall think reasonable and just to compose speedily the present Differences between this Commonwealth and the Lords the States General of the United Provinces. Friday, the 25th of June, 1652.

Inter-regnum,

1652.

June.

I. ' **T**HAT the Lords the States General of the United Provinces do pay and satisfy, unto this Commonwealth, the Charges and Damages this State hath sustained, and been put unto, by the Preparations of the said States General, and their Attempts this Summer, the Particulars whereof shall be in due Time produced.

II. ' That, upon the Payment of the Sum to be agreed upon as aforesaid, for Charges and Damages, or securing the same to the Satisfaction of the Parliament, there shall follow immediately thereupon a Cessation of all Acts of Hostility, and the Ships and Goods, taken since the late Differences, shall be released.

III. ' The two former Propositions being assented unto, and put in Execution, the Security for the Time to come, which the Parliament does expect, is by both States contracting a firm Alliance and Consistency of Interest for the Good of both ; which the Parliament of *England* is willing, on their Part, by all just Ways and Means, to endeavour.

Friday, June 25, 1652. At the Council of State at *Whitehall*, ordered, That the Commissioners appointed formerly to meet and treat with the Lord *Pawe*, Extraordinary Ambassador of the United Provinces, do deliver unto the said Lord Ambassador the Answer of the Parliament of the 25th of *June* instant, to that Part of the Paper presented unto them by the Council, from the said Lord *Pawe*, whereby his Lordship doth desire the Commissioners of the Council to propound what they should think reasonable and just, to compose speedily the present Differences.

Inter-regnum.
1652.
June.

ferences between this Commonwealth and the Lords the States General of the United Provinces.

Exam. JO. THURLOE,
Clerk of the Council.

A PAPER of the Lord PAWE, June 26, 1652.

To the Right Honourable Council of State,

‘**T**HE Extraordinary Ambassador of the United Provinces having Yesterday had a Conference with the Lords Commissioners of the Council, and received from them two Papers upon the same Subject, he desireth earnestly they will be pleased to give again Order, without Loss of Time, for a new Conference with the said Lords Commissioners, that some Things may be better explained and cleared of both Sides, and a speedy Composure made of the Business.—This 2⁶th of ^{June,} July, 1652.’

Another PAPER of the Lord PAWE, the same Day.

To the Honourable Council of State,

‘**T**HE Extraordinary Ambassador of the United Provinces hath propounded, at a Conference held the 2⁶th of ^{June,} July, 1652, with the Lords Commissioners of the Council of State, the following Articles :

‘ That the States General having been forced, for the Reasons already alledged, to make extraordinary Preparations at Sea, have been put to exceeding great Charges, which do continue yet at this present.

‘ That their Subjects, beside the extreme great Losses they have had heretofore at Sea, have received very great ones by the Letters of Mart granted as well against the *French* as against the said Subjects of the United Provinces, and upon some other Pretences.

‘ That the State and their Subjects have suffered much, and received great Damages of late, by the taking and spoiling of several Ships of War, and by the arresting of all the Merchants Ships.

‘ And

‘ And that, if a Reimbursement of the Charges and Damages should be thought of, they should be weighed of both Sides one against the other, and that it should be considered whether they have not been greater on the United Provinces Side.

Inter-regnum,

1652.

Junc.

‘ However, there must a reasonable Estimation be made, and the Business not referred to a Production of Accounts, which requireth a long Examination.

‘ And if the said Commissioners be pleased to cause that Estimation to be made in moderate Terms on their Part, it will appear from thence whether there is, at this Side, any Willingness or Intent to compound the Things passed according to Reason, and friendly, or whether there is a Design to propound Things impossible and unfeasible.

‘ As concerning the Confederacy between both Commonwealths, and the mutual assisting one another against those that shall offend or assault them, the other Extraordinary Ambassadors have made the true Intentions of their Superiors known thereupon, and are ready to go on in the same Negotiation, and to bring it to an End without Loss of Time.

‘ If the said Lords Commissioners do think fit that the said Confederacy should be more ample and more strict, that will not only be more pleasing to the said Ambassador, but he also intreateth, very earnestly, that he may be clearly informed thereupon.

‘ Putting at the same Time into Consideration, whether it will not be most convenient, even most necessary, to give Order that the Fleets do not come near, nor engage, any more one with the other; the said Ambassador fearing much it should soon be commanded otherways at the other Side, chiefly if the abovesaid Order be not speedily given here.

‘ And desiring, moreover, that the Ships which are arrested may be speedily released, and that no Prize may be any longer detained; to the End that the Minds of the People being something pacified, they may be rather invited by mutual Friendship and Love, and of their own Accord, than brought by Constraint to unite again by an indissoluble Confederacy.

‘ As

Inter-regnum.

1652.

June.

‘ As also that the said Ambassador may receive, upon these, so speedy and so favourable a Declaration, that he may, with more Hope of Success, use his Endeavours with his Superiors, and effect what, in this Conjunction of Time and Affairs, is most expedient and necessary; and that he may do it without Delay, according to the express Order he hath from his said Superiors, which he is bound to follow exactly.

‘ The Council of State having considered of the Paper this Evening delivered in by their Commissioners from the Lord *PAWE*, Extraordinary Ambassador of the Lords the States General of the United Provinces, and finding therein no clear or direct Answer to the last Paper of Demands tender’d unto his Excellency in the Name of the Parliament, they do desire a speedy and positive Answer thereunto, at least unto the first Article thereof; especially because, that being assented unto, the Council might speedily apply themselves to a reasonable and moderate ascertaining the Sum; to the End that, immediately upon Performance of the second Article, all Acts of Hostility might be forborne, and Restitution made of the Ships and Goods detained. The third Article, in the Nature thereof, not requiring so present a Transaction. *Ex. JO. THURLOE, Whiteball, June 26, 1652. Clerk of the Council.*

A PAPER from the Lord PAWE, June 27, 1652.

To the thrice-illustrious COUNCIL of STATE,

‘ **T**HE Extraordinary Ambassador of the United Provinces having considered the Answer delivered unto him Yesterday, at Evening, by Sir *Oliver Fleming*, upon the Considerations heretofore by him propounded, doth most instantly crave that it may please this thrice-illustrious Council of State to grant him one other Conference this Afternoon, that he may more particularly deduct the Intentions of his Superiors, and withall likewise satisfy both their Excellencies and his own Duties.

Signed ADRIAN PAWE.

27th of ^{June,} _{July,} }
1652. }

Another

Another PAPER of the Lord PAWE, June 27, 1652. Inter-regnum.
1652.

To the Right Honourable the COUNCIL of STATE, June.

‘WHILE the Extraordinary Ambassador of the United Provinces was busied about the writing of the Answer upon the Paper delivered to him Yesterday, very late, by Sir *Oliver Fleming*, from this Honourable Council, he was, to his great Grief, informed that this Commonwealth’s Fleet was gone to Sea to execute some Design.

‘The said Ambassador hath also, by several Letters, received Order from his Superiors, That in Case he could not obtain, by all possible Endeavours, the Cessation of Acts of Hostility, he should, with all Speed, return back again into the *Low Countries* to acquaint them with his Negotiation.

‘And as the said Ambassador can advance no further in the said Negotiation, of which he was charged to give an Account to his said Superiors with all Speed, he therefore desireth to be admitted To-morrow to take his Leave of this Honourable Council, to go over, as soon as can be, in the Ship of War whereof *John Verhaef* is Captain, who was commanded to bring him hither and back again; and that he may have a Letter, or a Pass, of the Honourable Council, to be transported over without any Hinderance or Trouble, and without being molested or arrested by the Parliament’s Ships.

‘The other Extraordinary Ambassadors having, in the mean Time, informed and shewed him that they had received the like Order and Command, have intreated him to demand, in their Name, that they may also, at the same Time To-morrow, have Audience to take their Leave of this Honourable Council; as also be provided with such Ships as they shall have Need of for the Transport of their Persons, Train, and Baggage; as also with such Passes as shall be necessary for the Security of their Passage.

‘The said Ambassador desireth that he may receive a speedy Answer upon these, being a Thing of very great Importance.’

June

Inter-regnum.

1652.

June.

June 27, 1652.

At the COUNCIL of STATE at Whitehall.

‘ Upon Consideration of the Report made of the Paper delivered in to the Commissioners this Evening by the Lord *Pawe*, Extraordinary Ambassador from the United Provinces, the Council hold themselves obliged to represent the same to the Parliament, which they shall do upon *Tuesday* Morning, at their first Sitting; and, in the mean Time, can give no other Answer to the said Lord Ambassador upon this Subject.

Exam. JO. THURLOE,
Clerk of the Council.

A PAPER of the Lord PAWE, of June 28, 1652.

To the Right Honourable the COUNCIL of STATE,

‘ **T**HE Extraordinary Ambassador of the United Provinces having seen the Answer of the Honourable Council given upon his Proposition made Yesterday, hath thought fit to declare again, That his Intention is to do his best when he shall be arrived in his Country, that, upon the Overtures made to him, or can yet be made, there may be such convenient Means and fit Expedients found, chiefly to make all Misapprehensions and Alienations of Minds, as well as all Acts of Hostility, cease; that a fair Agreement upon the Business past, and consequently a firm Union and Confederacy between both States, as also a good Settlement between both Nations, may ensue, from which their own Prosperity and Happiness may flow, and all Inconveniences be prevented for the future.

‘ And as his Resolution is godly, honest, and, if it succeedeth, most conducing to the Common Safety; as also that it must be speedily, and before Things proceed further, put in Execution.

‘ The said Ambassador desireth that it may please the Honourable Council to weigh all these, and to order that all may be done that may be for that Purpose, towards the promoting of the same.

‘ And

‘ And as the Time is most precious, it will be very necessary that he may speedily be admitted to his Audiences ; as also he may soon have the fit Expeditions concerning the Ship that brought him, and stayeth for his Return at *Gravesend*, to bring him back again into the *Low Countries*, with the Passes he hath demanded for his Security, and to avoid all Misfortunes that might meet him at Sea.

Inter-regnum.
1652.
June.

‘ The said Ambassador doth wholly persuade himself, that the Honourable Council will be pleased to give Order, That, in Consideration of his Quality, he be used in the same Manner at his Departure and taking of his Leave, as he hath been at his Coming and Reception, for which Favour he thanketh the Honourable Council most kindly.’

Another PAPER of the same Date.

To the Right Honourable the Council of State,

‘ **T**HE Extraordinary Ambassador hath thought fit to propound here, whether this Honourable Council could not approve, That, after his Report made to the Lords the States General, his Secretary, or some other faithful Person, should be sent to maintain and foment the mutual Correspondence; and deliver, as well as receive from both States, what may serve to the compounding of Things past, and to the re-establishing of the Union and Confederacy.

‘ And whether, to this End, the Honourable Council would be pleased to command such Passes to be granted, by Virtue of which he might freely and safely come back and stay here, as long as the Parliament of the Commonwealth of *England*, or the Lords the States General, may find it convenient.

‘ Or otherwise, That it may please the Honourable Council to name or denote here somebody that be agreeable to them, and fit to receive the Letters that might be written upon that Subject, and to solicit the Answers thereunto.’

Inter-regnum.
1652.

June.

*A PAPER of the three AMBASSADORS, dated
June 28, 1652.**To the COUNCIL of STATE of the Commonwealth of
ENGLAND,*

‘ **W** Hereas we the Ambassadors of the Lords the States of the United Provinces of the *Low Countries*, by their last Letters, have received Order, without any Delay, to make Haste again to our Country, and there to give an Account of what we have here done ; we therefore do earnestly pray this Senate to suffer us that we take, as it befits us, Leave of this most illustrious Assembly, and may have Ships that may conveniently serve for our own Transportation, and for that of our Train and Goods ; and besides, that such safe Conducts or Passes be granted us that may make our Journey safe. Here are some of our Ships ready, *viz.* Capt. *Jacpden Boer*, with three smaller Vessels of the City of *Dort*.

Signed } I. CATS.
 } G. SCHAEF.
 } VANDEPERRE.

*The Lord PAWE's SPEECH in Parliament, at his
taking Leave, June 30, 1652.**Right Honourable,*

‘ **T**HE States General of the United Provinces of the *Low Countries* have first sent their Extraordinary Ambassadors to the Parliament of the Commonwealth of *England*, to do their earnest Endeavours for the strengthening and confirming of the antient Amity and Friendship between both Nations, and for the establishing of an everlasting Alliance between both States, and to bring those Things to a happy Conclusion for the common Utility and Security ; and afterwards the Lord *William Newport*, a Member of the States of *Holland* and *West-Friezeland*, to take away some Doubts, and to witness more fully of the good Intentions of our Superiors concerning the Treaty of Confederacy.

‘ At

A P P E N D I X. 157

‘ At last it hath pleased the said Lords States to prepare, some few Days ago, a new Extraordinary Embassage to the said Parliament, and to give me that Employment, with an expresse Command to bear again, over and above, Witness of their faithful Dealing, and of their most sincere Intention towards this Commonwealth, and to dissolve and remove all the strange and unthought-of Accidents, and all the Stopplings and Hinderances thereby caused and opposed to their good Intent; by which Means I might, by all my Endeavours, promote to a happy Conclusion the Treaty of Alliance already begun.

Inter-regnum.
1652.
June.

‘ To that End it hath been propounded, amongst other Things, That there should be an Enquiry and Examination made, by fit Persons of both Commonwealths, of all that lately passed and was done between the two Fleets without any Design, but by meer Chance, and a just and lawful Satisfaction stated; for we do witness and protest before God and all the Christian World, as well as in the Presence of the Parliament of the Commonwealth of *England*, That the States have not had the least Mind of offending or troubling this Commonwealth, much less of committing any Hostility against them; but rather that they have had nothing more in their Hearts than to entertain and maintain, with this State, all true Friendship and firm Peace, even to come to a stricter Union and Confederacy with them.

‘ But as it hath unhappily happened that, after extraordinary Pains taken, and all the best Endeavours done of all Sides, to conserve the common Quiet, and remove all Hinderances, both Embassages have not only missed their Ends, but that, to the contrary, not only great Troubles have been given, extraordinary Losses have been caused, but huge Dangers; as also Acts of Hostility not looked for, neither at any Time before declared, are threatened from the *English* Fleet to the States of the United Provinces.

‘ Both Embassages hath thought fit, to prevent the ensuing Evils, and upon a Business so unusual, to return into their own Country, to give an Account

Inter-regnum.

1652.

June.

of their Negotiation to their Superiors, and to be acquainted with their further Commands.

‘ To that End we do present ourselves together to the Supreme Authority of this Commonwealth, and declare, That we have a Command to return back, and that we are ready to take our Journey.

‘ We have given Notice to the Honourable Council of State of this Commonwealth of those Things that are necessary to us for our Transport, according to our Quality and the Season, and do look and wait for an Answer thereupon, hoping that the necessary Expeditions shall be done.

‘ In the mean Time we cannot be wanting to our Duty, but are forced again to desire most earnestly, That all our Ships that have been brought into the Ports of *England*, and there detained of late against our Thoughts, and before any Declaration of Hostility issued out, and whereof the Commanders are unawares and guiltless, having not given the least, nor to Nobody, Occasion of Dispute, may be released and suffered to go freely, with their Officers, Mariners, Merchandizes, Packs, and Loads, and the whole Company, and to perform their Journey without any Wrong or Injury; which we do pretend to be due to our old Friendship, to the Right of Nations, and have been observed between Christian People, as well as we hope to have it granted by the Justice and Equity of this great and most Honourable Assembly.

‘ Furthermore, we do intreat, with all our Hearts, the great God of Heaven, who is the Author and Promoter of Peace and Concordance, that he will be pleased to afford such Thought and Counsel to the Parliament of the Commonwealth of *England*, as may tend to the mutual Peace of both States, to the Conservation of the Christian, Reformed, and Orthodox Religion, which hath no better Foundations than upon Peace, and can never better thrive and flourish than by Peace, and will, without any Doubt, be afflicted and destroyed by our Troubles and Fallings-out; as also that he will, in his Mercy, prevent the Destructions and Miseries of Wars, and bestow

bestow abundantly his heavenly Blessings upon both Commonwealths. We shall end upon these Wishes, and being commanded to repair in Haste into our Country, we shall, with all thankful Acknowledgement for all Favours done to us, as well as with all due Respects, take our Leave of this most Honourable and Supreme Assembly of the Commonwealth of *England*, with Confidence that they will not deny us those Things which we have already expressed, and are granted every where to the Ambassadors for their Quality and Security.

Inter-regnum.
1652.
June.

Pronounced and delivered to the Parliament of the Commonwealth of England, the 22th of ^{June,} 1652, by the Extraordinary Ambassadors of the States General of the United Provinces.

‘ We do besides deliver a Petition, put into our Hands by the *Dutch* Merchants, desiring they may enjoy the same Security and Protection which hath been lately granted, in the best Form, to the *English* Merchants in our Provinces.

‘ We desire also, at last, That, besides the two *Dutch* Men of War, there should be another of those that are in the *Downs* granted to us for our Passage, seeing we are a very great Company, wherein are some Women of Quality, with much Carriage, which will put us to great Inconveniences, besides the Heat of this Season, except we be fitted with the said Ship.’

R. 3. Though

Inter-regnum.

1653.

Junc.

Though *Cromwell's* Speech to his Convention-Parliament, in Vol. XX. p. 153, *June 4, 1653*, be long-winded enough, yet the Conclusion of it was omitted in our Copy. We have since been enabled to supply that Defect from another, which will fall in at p. 175, *ibidem*.

Conclusion of one
of *Cromwell's*
Speeches.

‘ — I have only this to say further, That the
‘ Affairs of the Nation laying on our Hands to be
‘ taken Care of, and knowing that both the Affairs
‘ at Sea, the Armies in *Ireland* and *Scotland*, and
‘ the providing of Things for the preventing of In-
‘ conveniences, and the answering of all Emergen-
‘ cies, did require that there should be no Interrup-
‘ tion; but that Care ought to be taken for these
‘ Things. And foreseeing likewise, that, before you
‘ could digest yourselves into such a Method as you
‘ may think best, both for Place, Time, and other
‘ Circumstances, in the Way you shall purpose to
‘ proceed in, you would ask some Time, which the
‘ Commonwealth would not bear, in respect of the
‘ managing of Things, I have, within a Week, set
‘ up a Council of State, to whom the managing of
‘ Affairs is committed; who, I may say, very volun-
‘ tarily and freely, before they see how the Issue of
‘ Things would be, engaged themselves in Business,
‘ eight or nine of them being Members of the House
‘ that late was. I say, I did exercise that Power that
‘ I thought was devolved upon me at that Time, to
‘ the End that Affairs might not have any Interval:
‘ And now, when you are met, it will ask some
‘ Time for the settling of your Affairs, and your
‘ Way, and a Day cannot be lost, but to be in a
‘ continual Council till such Time as you shall take
‘ further Order; so that the whole Matter of their
‘ Considerations are also at your Disposal, as you
‘ shall see Cause; and therefore I thought it my
‘ Duty to acquaint you with thus much, that you
‘ may not be distracted in your Way, that Things
‘ have been thus ordered, that your Affairs will go
‘ on till you see Cause to alter this Council, they
‘ having no Authority, nor longer to sit than untill
‘ you shall take further Order.’

At

At Page 61, Vol. XXI. of this History, there is an *Hiatus* made, by Want of the Protector's Speech to a Committee of Parliament at *Whitehall*, upon *Friday, April 3, 1657*. This Speech has since fallen into our Hands, together with another of the same Person's, which he made to another Committee of his Parliament appointed to wait on him at *Whitehall*, on the 8th of the same Month, of which there is only an Abstract given in the History, at Page 62. These two Speeches therefore we shall place together as follows :

Inter-regnum.
1657.
April.

The PROTECTOR'S SPEECH to a Committee of Parliament in Whitehall, upon Friday the 3d of April, 1657.

My Lords,

I Am heartily sorry I did not make my Desires Cromwell's known to the Parliament before this Time, Speech to a Committee of Parliament. which was, That I acquainted you with by Letter this Day. The Reason was, because some Infirmary of Body had seized upon me these two last Days, Yesterday and *Wednesday*. I have, as well as I could, taken Consideration of the Things contained in this Paper, which was presented to me by the Parliament, on *Tuesday* last, in the Banqueting-House, and have sought God that I might return such an Answer as might become me, and be worthy of the Parliament. I must needs bear this Testimony to you, that you have been zealous of the two greatest Concernments that God hath in the World; the one is that of Religion, and Preservation of the Professors of it; to give them all due and just Liberty, and to assert the Truths of God, which you have done in Part in this Paper, and do refer them to be done more fully by yourselves and me. And as to the Liberty of Men professing Godliness under the Variety of Forms amongst us, you have done that which was never done before; and I pray God it may not fall upon the People of God, as a Fault in them, or any Sort of them, if they do not put such a Value

Inter-regnum.

1657.

April,

a Value on what was done, as was never put on any Thing since *Christ's* Time, for such a Catholic Interest of the People of God. The other Thing cared for is the Civil Liberty and the Interest of the Nation; which though it is, and I think ought to be, subordinate to a more peculiar Interest of God, yet it is the next best that God hath given Men in the World; and, if well, is better than any Words to fence Men in their other Interests: And if any one whatsoever think the Interest of the Nation and the Interest of the People of God inconsistent, I wish my Soul may not enter into his and their Secrets. These are Things I must acknowledge Christian and Honourable, and are provided for by you like Christian Men, and Men of Honour, and, like yourselves, *Englishmen*: And to this I must and shall bear my Testimony whilst I live, against all Gain-sayers whatsoever. And upon these two Interests, if God shall count me worthy, I shall live and die; and I must say, if I were to give an Account before a greater Tribunal than an earthly one, and if I were asked why I have engaged all along in the late Wars, I could give none; but it would be a wicked one if it did not comprehend these two Ends. Only give me Leave to say, and to say it seriously, the Issue will prove it so, that you have one or two Considerations that do stick with me; the one is, you have named me by another Title than I now bear. You do necessitate my Answer to be categorical, and you have made me without a Liberty of Choice; save, as to all, I question not your Wisdom in doing of it, but I think myself obliged to acquiesce in your Determination, knowing you are Men of Wisdom, and considering the Trust you are under. It is a Duty not to question Reasons of any Thing you have done. I should be very brutish should I not acknowledge the exceeding high Honour and Respect you have had for me in this Paper. Truly, according to what the World calls good, and hath all Good in it, according to the World's Comprehension, Sovereign Power, you have testified

fied your Value and Affection, as to my Person, as high as you could, more you could not do; I hope I shall always keep a grateful Memory of this in my Heart, and by you I will give the Parliament this my grateful Acknowledgment. Whatever other Men's Thoughts may be, I shall not know Ingratitude: But I must needs say, That what may be fit for you to do, may not be fit for me to undertake. As I should reckon it a very great Presumption, should I ask of you the Reason of doing any one Thing in this Paper, except some very few Things, the Instrument bears Witness to itself: So you will not take it unkindly, if I ask of you this Addition of the Parliament's Favour, Love, and Indulgence to me, if it be taken in tender Part, if I give such an Answer as I find in my Heart to give in this Business, without urging many Reasons for it, saving such as are most obvious and most for my Advantage in answering; to wit, I am unable for such a Trust and Charge; and if the Answer of the Tongue, as well as the Preparation of the Heart, be from God, I must say my Heart and Thoughts, ever since I heard the Parliament's, were upon this Business.

Inter-regnum.
1657.
April.

‘ Though I could not take Notice of your Proceedings therein, without Breach of your Privileges, yet, as a common Person, I confess I heard of it as in common with others. I must say, I have been able to attain no further than this, that seeing the Way is hedged up, as it is to me, I cannot accept of the Things offered, unless I accept all. I have not been able to find it in my Duty to God and you, to undertake this Charge under that Title. The most I said in Commendation of the Instrument, may be returned upon me thus: Are there such good Things so well provided for, why can you not accept? Because of such an Ingredient. Nothing must make a Man's Conscience his Servant; and really and sincerely it is my Conscience that guides me to this Answer; and, if the Parliament be so resolved, it will not be fit for me to use any Inducements by you to alter their Resolutions.

‘ This

Inter-regnum.

1657.

April.

‘ This is all I have to say ; I hope it will, and desire it may, be candidly, and with Integrity and Ingenuity, represented by you to them.’

The PROTECTOR’S SPEECH to the Speaker of the Parliament, April 8, 1657.

Mr. Speaker,

Another of Crom-
well’s Speeches.

NO Man can put a greater Value than I hope I do, and shall do, upon the Desires and Advices of the Parliament. I could in my own Heart aggravate both concerning the Persons advising, and concerning the Advice ; readily acknowledging, that it is the Advice of the Parliament of these Three Nations : And if a Man could suppose it were not a Parliament to some, yet doubtless it should be to me, and to us all that are engaged in this Common Cause, wherein we have engaged. I say, surely it ought to be a Parliament to us, because it arises as a Result of those Issues and Determinations of Settlement that we have laboured to arrive at ; and therefore I do most readily acknowledge the Authority of advising these Things. I can aggravate also to myself the general Notion of the Things advised to, as being Things that tend to the Settlement of the chiefest Things that can fall into the Hearts of Men to desire, or endeavour after ; and at such a Time when, truly, I may think the Nation is big with Expectation of any Thing that may add to their Being : I therefore must needs put a very high Esteem, and have a very reverend Opinion of any Thing that comes from you, and so I have had of this Instrument ; and I hope so I have expressed : And what I have expressed hath been, if I flatter not myself, from a very honest Heart toward the Parliament and the Public. I say not these Things to compliment you ; for we are all past those Things, all Considerations of that Kind.

‘ We must all be very real now, if ever we will be so ; for, howbeit, your Title and Name you give to this Paper makes me to think you intended Advice, and I should transgress against all Reason,
should

should I make any other Construction than that you did intend Advice. I would not lay a Burden on my Beast, but I would consider his Strength to bear it; and if you will lay a Burden upon a Man that is conscious of his own Infirmary and Disabilities, and doth make some Measure of Counsels that may seem to come from Heaven, Counsels in the Word of God, who leaves Room for Charity, and for Men to consider their own Strength, I hope it will be no Evil in me to measure your Advice and my own Infirmities, and truly those will have some Influence upon Conscience; Conscience in him that receives Talents to know how he may answer the Trust of them; and such a Conscience have I had, and still have; and therefore, when I thought I had an Opportunity to make an Answer, I made that Answer; and am a Person, and have been before, and then, and since, lifting my Heart to God, to know what might be my Duty at such a Time as this, and upon such an Occasion and Trial as this was to me.

Inter-regnum.

1657.

April.

‘ Truly, Mr. Speaker, it hath been heretofore, I think, a Matter of Philosophical Discourse, that great Places, great Authority, are a great Burden. I know it is so; and I know a Man, that is convinced in his Conscience, nothing less will enable him to the Discharge of it than Assistance from above; that it may very well require in such a Subject, so convinced, and so persuaded, to be right with the Lord in such an Undertaking; and therefore, to speak very clearly and plainly to you, I had, and I have, my Hesitations to that individual Thing: If I undertake any thing not in Faith, I shall serve you in my own Unbelief, and I shall then be the most unprofitable Servant that ever People or Nation had: Give me Leave therefore to ask Counsel: I am ready to render a Reason of my Apprehensions, which haply may be over-swayed by better Apprehensions. I think so far I have deserved no Blame, nor do I take it that you will lay any upon me, only you mind me of the Duty that is incumbent upon me. Truly, the same Answer I have as to the Point of Duty one Way, the same Consideration have

Inter-regnum.

1657.

April.

have I as to Duty another Way. I would not urge to you the Point of Liberty ; surely you have provided for Liberty ; I have borne my Witness to it, Civil and Spiritual. The greatest Provision that ever was made, have you made ; and I know that you do not intend to exclude me. The Liberty I ask is to vent my own Doubts, and my own Fears, and my Scruples ; though haply, in such Cases as these are, the World hath judged that a Man's Conscience ought to know no Scruple ; surely mine doth, and I dare not dissemble ; and therefore, they that are knowing in the Ground of their own Action, will be best able to measure Advice to others. There are many Things in this Government, besides that one of the Name and Title, that deserve much Information as to my Judgment ; it is you that can capacitate me to receive Satisfaction in them, otherwise, I say truly, I must say that I am not persuaded to the Performance of my Trust and Duty, nor informed, and so not acted, as I know you intend I should, and every Man in the Nation should, and you have provided for them as a Freeman, as a Man that does possibly, rationally, and conscientiously ; and therefore I cannot tell what other Return to make to you than this ; I am ready to give a Reason, if you will, I say, capacitate me to give it, and yourselves to receive it, and to do in other Things that may inform me a little more particularly than this Vote that you have expressed Yesterday, and has now been read by you to me. Truly, I hope, when I understand the Ground of these Things, the whole being neither for your Good nor mine, but for the Good of the Nation, there will be no doubt but we may, even in these Particulars, find out those Things that may answer our Duty, mine and all our Duties, to those whom we serve : And this is That that I do, with a great deal of Affection, and Honour, and Respect, offer now to you.'

In

In Vol. XXI. p. 383, *May* 10, 1659, there is some Notice taken of two Petitions being presented to that Rump, or Tail, of a Parliament then sitting, one said to be from the City of *London*, the other from *Southwark*. But it is to be understood here, that these Petitions came only from some Sectaries, Inhabitants of those Places, and not from the Body Corporate of the same. We suppose they got a gifted Brother or two, to present their canting Non-sense to the House; who, on the Delivery, delivered himself also of the following Speech, which we have met with and give in this Place, to shew the strange enthusiastic Madness of the Times, tho' so near the Restoration. ^a

Inter-regnum.

1659.

May.

Mr. Speaker, and this Honourable Assembly,

‘**W**E have here, at your Bar, an humble Petition from several Citizens of *London*. Sir, it is the very Joy of our Hearts, that once more we can see this Honourable Assembly sitting here, whom God hath owned and honoured, and made instrumental for so much Good to this poor Nation, and his People in it. Sir, we have had Experience, that the wise God rules and reigns in the World, and that the Government thereof is upon the Shoulders of our blessed Lord *Jesus Christ*; and that he doth raise up whom he pleaseth to do him Service; and that he hath been pleased to make you instrumental of much Good: And though, Sir, there hath been several dark Administrations of late Years, and some Interruption put upon you, yet he hath once more called you together. And truly we have just Cause and Ground to believe, that there will be that done by this Honourable Assembly, wherein he shall have the Glory, and his People Good by it. And truly, Sir, he hath been pleased to scatter those dark Clouds, that did eminently appear in this poor Nation, against that good Interest for which he did so eminently appear in your Councils. And, Sir, we hope, seeing that righteous God hath intrusted you

A Sectarian Address made to Parliament.

^a From a Manuscript Journal of this Parliament.

Inter-regnum.

1659.

May.

you once more, that you will make it your great Work, and great Business, to do that wherein you may have Glory, by the Establishment and Settlement of these poor Nations, upon a righteous and just Foundation of Judgment and Justice.

‘ Truly, Sir, give us Leave to let you know, that we do look upon you as our Trustees, our legal Trustees; those to whom the People of *England* have committed all that is dear and precious to them, their Liberties both as Men and Christians. And, truly, we have just Cause to believe you will be very careful of both, that they may be preserved, which are such precious Things, and have cost such a precious Rate to purchase. Truly, Sir, I shall not say much; our Petition doth speak our Minds and our Hearts fully: And though, Sir, to our Petition, which we lodge here before you, there are not Hands to it, we have many Hands, Thousands more we could have had; but we know to whom we speak; to those that are our Friends, that have engaged in the same Cause with us; those that have seen the Outgoings and Power of God with them. And truly, Sir, we do make it our great Request, that you would consider of our Petition, and lay such a Foundation, in reference to our future Settlement and Government, that it may not be in the Power of Man or Men whatsoever to break those righteous Bases of Settlement you shall make. Truly, Sir, we shall desire that you would really consider that Dispensation that you have been under; and that, seeing God hath now put a Price and Opportunity into your Hands, you would not neglect that great Work you are called unto. We hope you will pardon us if we press it, because we find by Experience, (when Opportunity is neglected) it is a great while before God will give such Opportunities again. And truly, Sir, that may not be at such a Time as this is, That, if ever God appeared, it is now; and, though there was Faith in many, that God would bring Deliverance, and that Deliverance would come, yet, that it shall come by your Hands again, this is That that bears up our Spirits: That

it

it is the Mind of God, let me mind you of that Portion of Scripture of *Ezra*, when he delivered his People out of *Babylon*, *Seeing that thou hast given us such a Deliverance as this, shall we yet break thy Commandments?*

Inter-regnum.
1659.
May,

‘ We hope that is upon your Spirits, and that you will really set yourselves to do That, that you may glad the Hearts of all *England*, and all the World.

‘ And truly, Sir, it is one Request we make to you, That you would so settle the Government and the Foundation of these Nations, that it may not be too long trusted in any Man’s Hands, that it may not be perpetuated to Men; for we have found it, by woeful Experience, that the best of Men, be they what they will, that if they have Power long in their Hands, they may too much exalt themselves, and so forget that they ought to know what it is to obey, as well as to rule. Sir, we shall only beg this, That the wise God would fill this Honourable Assembly with his Spirit; that he would sit in the Midst of your Councils; that he would bow the Heavens, and appear; and give down that Wisdom and Light from his good Spirit, that you may do That for which the Generations to come may call you Blessed; that we may look upon you as our *Moses*, our *Joshua*, our Counsellors (at the Beginning you were our Counsellors, at first you did eminently appear against Tyranny and Oppression, and did lay a Foundation of common Interest; and tho’ you were interrupted, yet you are come again together); that, as you have been Instruments to lay the Foundation, so you may lay the Top-stone, crying, Grace, Grace, unto it.’

Inter-regnum.

1659.

August.

In the Year 1659, and in the Month of *August*, was an Insurrection in *Cheshire* and *Lancashire* under Sir *George Booth*, after the Restoration created Earl of *Warrington*. The Affair, with the ill Success of it, is mentioned in our Twenty-first Volume, from p. 441 to 448. Since the Publication of which we have met with Sir *George Booth's* Declaration, drawn up by way of Letter to a Friend, in which he gives his Reasons for taking up Arms at that Time, and which was then printed and dispersed over the Realm. The Reader may observe that this Declaration is drawn up in Terms modest enough, not a Word in it tending to the Royal Cause; but only declaring for the Admission of the Members of the Long Parliament into this, or else for a new and a free Parliament. Tho' it must be owned that this Insurrection was a Prelude to what followed soon after, and what, no doubt, the Insurgents had at Heart, had they found themselves strong enough to effect it.

Sir GEORGE BOOTH's Letter of the 2d of August, 1659, shewing the Reasons of his present Engagement.

S I R,

Sir Geo. Booth's
Declaration,

I Think myself, and the Gentlemen, and others you know to be now engaged with me, have no Hopes (by new Troubles) to better our present Condition.

With Thankfulness we may say it, God hath made our Lot larger than our Desires in that Kind, and we suppose, by that Blessing, put an Obligation upon us, as we are considerable Members of our Country, to have more sober and courageous Thoughts in Time of Extremity than other Men have.

And tho' the Indifference that lies upon other Men's Spirits might flat ours, yet we cannot think, but if it were represented unto them, how the present Power doth oblige us to put out our Right Eyes when

= London, printed in the Year 1659. This Letter is ushered into public View with a sham Answer to it, Paragraph by Paragraph.

when they require us to acknowledge them as a Parliament, and lay upon us such heavy and grievous Burdens, and such deceitful ones as a Year's Tax in three Months, besides the many other Impositions of Excise, &c. and, by raising among us a Militia, they cut off our Right Hand by subjecting us under the meanest and fanatic Spirits of the Nation, under Pretence of Protection, their Spirits would be warmed into the same Zeal that ours are kindled with.

Inter-regnum.
1659.
August.

‘ Now, consider what it is we ask, and consider whether it be not the same Thing we have asserted with our Lives and Fortunes, A free Parliament; and what a Slavery it is to our Understanding, that these Men, that now call themselves a Parliament, should declare it an Act of Illegality and Violence in the late aspiring General *Cromwell*, to dissolve their Body in 1653, and not to make it the like in the garbling the whole Body of the Parliament, from 400 to 40, in 1648; what is this but to act what they condemn in others? Why do they associate themselves to the present Army, or indeed to the present Commanders in Chief, and keep out their numerous and Fellow-Members, if committing Violence upon a Parliament be so notorious a Crime? And how do they teach the Soldiers boldly to do that which themselves practise, and make them Instruments of? What is this but, under another Shape, to over-act the condemned Acts of Usurpation and Tyranny in their old General? What is this but to necessitate Men to complain? And, upon Complaint, to be invaded by their Power, so to raise (if the *English* Spirits be not dissolved into Baseness and Aptitude for Slavery) a Civil War, and to endeavour to water their own Root with the Blood of many Thousands of their Countrymen, or to gape after those Confiscations, which, by a Victory, upon Presumption of the Unity of their Army, they hope to gain over all those that dare, with Danger, assert their Liberties; which Presumption yet may fail them; for the Soldier hath and may declare himself no Mercenary, but an *English* Freeman; which, indeed, tho’ it be now contrary to his Actions, may return to his Thoughts again? And

Inter-regnum.

1659.

August,

what will be the Issue of all this? A mean and schismatical Party must depress the Nobility and understanding Commons; the Land must waste itself, and Foreigners, or others, must take the Advantage of all.

‘ I dare say, I profess for myself and the greatest Part with me, we have no Aspect but this singly; that we be not possessed as waste Ground is, only by the Title of Occupancy, or that the next that gets into the Saddle ride us.

‘ Let the Nation freely chuse their Representatives, and they as freely sit, without Awe or Force of Soldiery; and whatever in such an Assembly is determined, shall be by us freely and chearfully submitted unto.

‘ If this satisfy you, I am glad of it, for you are my noble Friend. I use it not as an Artifice, either to engage you or make other Counties follow our Example; which, if they do not, let their Posterity judge of their Actions and ours; for we are born for our Country, and our Country, our Religion, and our Lives are in Danger, and we will not be unconcerned.

‘ But we are faithful and peaceful in the Land; and if they in Authority will decline Hostility, and agree of a Means to admit the old Members of both Houses, or to call a new free Parliament, let him be, and he only is truly, a Traitor that resolves not his Judgment and Obedience into their Determinations. I am, Sir,

Your humble Servant,

Chester, August 2,
1659. }

GEORGE BOOTH.’

In this Volume, at p. 4, the hearty Thanks was moved for, of the House of Commons, to be returned to the King for his gracious Declaration about Church Government; and accordingly the whole House waited upon his Majesty at *Whitehall* that Afternoon, which was *November 6, 1660*, the very first Day of their Meeting after the Recess. We never could find, by any Memorial, what the Speaker said to the King on that Occasion; but the Declaration itself was then in our Hands, though it would have interrupted the Series of this History too much to have inserted it in that Place. We therefore give it here, as a Curiosity not easy to be met with elsewhere.

An. 12. Car. II.

1660.

November.

His MAJESTY'S DECLARATION to all his loving Subjects of his Kingdom of England and Dominion of Wales, concerning Ecclesiastical Affairs.^b

CHARLES R.

HOW much the Peace of the State is concerned in the Peace of the Church, and how difficult a Thing it is to preserve Order and Government in Civil, whilst there is no Order or Government in Ecclesiastical Affairs, is evident to the World; and this little Part of the World, our own Dominions, hath had so late Experience of it, that we may very well acquiesce in the Conclusion, without enlarging ourself in Discourse upon it, it being a Subject we have had frequent Occasion to contemplate upon, and to lament abroad, as well as at home.

In our Letter to the Speaker of the House of Commons from *Breda*, we declared how much we desired the Advancement and Propagation of the Protestant Religion: That neither the Unkindness of those of the same Faith towards us, nor the Civilities and Obligations from those of a contrary Profession (of both which we have had abundant Evidence) could, in the least Degree, startle us, or make us swerve from it; and that nothing can be proposed

S 2

to

^b London, printed by *John Ell*, Printer to the King's Most Excellent Majesty, 1660.

An. 12. Car. II.

1660.

November.

to manifest our Zeal and Affection for it, to which we will not readily consent: And we said then, That we did hope, in due Time, ourself to propose somewhat for the Propagation of it, that will satisfy the World, that we have always made it both our Care and our Study, and have enough observed what is most like to bring Disadvantage to it. And, the Truth is, we do think ourself the more competent to propose, and, with God's Assistance, to determine, many Things now in Difference, from the Time we have spent, and the Experience we have had, in most of the Reformed Churches abroad, in *France*, in the *Low Countries*, and in *Germany*; where we have had frequent Conferences with the most learned Men, who have unanimously lamented the great Reproach the Protestant Religion undergoes from the Distempers and too notorious Schisms in Matters of Religion in *England*: And as the most learned amongst them have always, with great Submission and Reverence, acknowledged and magnified the established Government of the Church of *England*, and the great Countenance and Shelter the Protestant Religion received from it, before these unhappy Times; so many of them have, with great Ingenuity and Sorrow, confessed, that they were too easily misled, by Misinformation and Prejudice, into some Disesteem of it, as if it had too much complied with the Church of *Rome*; whereas, they now acknowledge it to be the best Fence God hath yet raised against Popery in the World: And we are persuaded they do, with great Zeal, wish it restored to its old Dignity and Veneration.

When we were in *Holland*, we were attended by many grave and learned Ministers from hence, who were looked upon as the most able and principal Assertors of the Presbyterian Opinions, with whom we had as much Conference, as the Multitude of Affairs, which were then upon us, would permit us to have; and, to our great Satisfaction and Comfort, found them Persons full of Affection to us, of Zeal for the Peace of the Church and State, and neither Enemies (as they have been given out to be)

to Episcopacy or Liturgy; but modestly to desire such Alterations in either, as, without shaking Foundations, might best allay the present Distempers, which the Indisposition of the Time, and the Tenderneſs of ſome Men's Conſciences, had contracted: For the better doing whereof, we did intend, upon our firſt Arrival in this Kingdom, to call a Synod of Divines, as the moſt proper Expedient to provide a proper Remedy for all thoſe Differences and Diſſatisfactions which had, or ſhould ariſe in Matters of Religion; and, in the mean Time, we publiſhed, in our Declaration from *Breda*, a Liberty to tender Conſciences; and that no Man ſhould be diſquieted or called in Queſtion for Differences of Opinion in Matter of Religion, which do not diſturb the Peace of the Kingdom; and that we ſhall be ready to conſent to ſuch an Act of Parliament as, upon mature Deliberation, ſhall be offered to us for the full granting of that Indulgence.

‘ Whiſt we continued in this Temper of Mind and Reſolution, and have ſo far complied with the Perſuaſion of particular Perſons, and the Diſtemper of the Times, as to be contented with the Exerciſe of our Religion in our own Chapel, according to the conſtant Practice and Laws eſtabliſhed, without enjoining that Practice, and the Obſervation of thoſe Laws, in the Churches of the Kingdom, in which we have undergone the Censure of many, as if we were without that Zeal for the Church which we ought to have, and which, by God's Grace, we ſhall always retain, we have found ourſelf not ſo candidly dealt with as we have deſerved, and that there are unquiet and reſtleſs Spirits; who, without abating any of their own Diſtemper, in Recompence of the Moderation they find in us, continue their Bitterneſs againſt the Church, and endeavour to raiſe Jealouſies of us, and to leſſen our Reputation by their Reproaches, as if we were not true to the Profeſſions we have made. And, in order thereunto, they have very unſeaſonably cauſed to be printed, publiſhed, and diſperſed throughout the

An. 12. Car. II.

1660.

November.

An. 22. Car. II.
1660.
November.

Kingdom, a Declaration heretofore printed in our Name, during the Time of our being in *Scotland*, of which we shall say no more than that the Circumstances, by which we were enforced to sign that Declaration, are enough known to the World; and that the worthiest and greatest Part of that Nation did even then detest and abhor the ill Usage of us in that Particular, when the same Tyranny was exercised there by the Power of a few ill Men, which, at that Time, had spread itself over this Kingdom; and therefore we had no Reason to expect that we should, at this Season, when we are doing all we can to wipe out the Memory of all that hath been done amiss by other Men, and, we thank God, have wiped it out of our own Remembrance, have been ourself assaulted with those Reproaches, which we will likewise forget.

‘ Since the printing this Declaration, several seditious Pamphlets and Queries have been published and scattered abroad, to infuse Dislike and Jealousies into the Hearts of the People, and of the Army; and some, who ought rather to have repented the former Mischief they have wrought, than to have endeavoured to improve it, have had the Hardiness to publish, That the Doctrine of the Church, against which no Man with whom we have conferred hath excepted, ought to be reformed as well as the Discipline.

‘ This over-passionate and turbulent Way of proceeding, and the Impatience we find in many for some speedy Determination in these Matters, whereby the Minds of Men may be composed, and the Peace of the Church established, hath prevailed with us to invert the Method we had proposed to ourself, and even, in order to the better calling and composing of a Synod (which the present Jealousies will hardly agree upon) by the Assistance of God’s blessed Spirit, which we daily invoke and supplicate, to give some Determination ourself to the Matters in Difference, untill such a Synod may be called as may, without Passion or Prejudice, give us such farther Assistance towards a perfect Union of Affections, as well as Submission to Authority, as is necessary:
And

And we are the rather induced to take this upon us, by finding, upon the full Conference we have had with the learned Men of several Persuasions, that the Mischiefs, under which both the Church and State do at present suffer, do not result from any formed Doctrine or Conclusion which either Party maintains or avows; but from the Passion, Appetite, and Interest of particular Persons, who contract greater Prejudice to each other from those Affections, than would naturally rise from their Opinions; and those Distempers must be in some Degree allayed, before the meeting in a Synod can be attended with better Success than their meeting in other Places, and their Discourses in Pulpits have hitherto been; and till all Thoughts of Victory are laid aside, the humble and necessary Thoughts for the Vindication of Truth cannot be enough entertained.

‘ We must, for the Honour of all those of either Persuasion with whom we have conferred, declare, That the Professions and Desires of all, for the Advancement of Piety and true Godliness, are the same; their Professions of Zeal for the Peace of the Church, the same; of Affection and Duty to us, the same: They all approve Episcopacy; they all approve a set Form of Liturgy; and they all disapprove and dislike the Sin of Sacrilege, and the Alienation of the Revenue of the Church. And if upon these excellent Foundations, in Submission to which there is such a Harmony of Affections, any Superstructures should be raised, to the shaking those Foundations, and to the contracting and lessening the blessed Gift of Charity, which is a vital Part of Christian Religion, we shall think ourself very unfortunate, and even suspect that we are defective in that Administration of Government with which God hath entrusted us.

‘ We need not profess the high Affection and Esteem we have for the Church of *England*, as it is established by Law, the Reverence to which hath supported us, with God’s Blessing, against many Temptations; nor do we think that Reverence in the least Degree diminished by our Condescensions, not peremptorily

An. 12. Car. II
1660
November,

An, 72. Car. II. remptorily to insist on some Particulars of Ceremony; which, however introduced by the Piety, Devotion, and Order of former Times, may not be so agreeable to the present; but may even lessen that Piety and Devotion, for the Improvement whereof they might haply be first introduced, and consequently may well be dispensed with: And we hope this charitable Compliance of ours will dispose the Minds of all Men to a chearful Submission to that Authority, the Preservation whereof is so necessary for the Unity and Peace of the Church, and that they will acknowledge the Support of the Episcopal Authority to be the best Support of Religion, by being the best Means to contain the Minds of Men within the Rules of Government. And they who would restrain the Exercise of that holy Function within the Rules which were observed in the primitive Times, must remember and consider, that the Ecclesiastical Power, being in those blessed Times always subordinate and subject to the Civil, it was likewise proportioned to such an Extent of Jurisdiction as was most agreeable to that. And as the Sanctity, Simplicity, and Resignation of that Age, did then refer many Things to the Bishops, which the Policy of succeeding Ages would not admit, at least did otherwise provide for; so it can be no Reproach to primitive Episcopacy, if, where there have been great Alterations in the Civil Government from what was then, there have been likewise some Difference and Alteration in the Ecclesiastical, the Essence and Foundation being still preserved. And upon this Ground, without taking upon us to censure the Government of the Church in other Countries, where the Government of the State is different from what it is here, or enlarging ourself upon the Reasons why, whilst there was an Imagination of erecting a Democratical Government here in the State, they should be willing to continue an Aristocratical Government in the Church; it shall suffice to say, that since, by the wonderful Blessing of God, the Hearts of this whole Nation are returned to an Obedience to Monarchical Government in the State,

An, 72. Car. II.

1660.

November,

State, it must be very reasonable to support that Government in the Church which is established by Law, and with which the Monarchy hath flourished through so many Ages, and which is in Truth as antient in this Island as the Christian Monarchy thereof; and which hath always, in some Respects or Degrees, been enlarged or restrained, as hath been thought most conducing to the Peace and Happiness of the Kingdom: And therefore we have not the least Doubt but that the present Bishops will think the present Concessions, now made by us to allay the present Distempers, very just and reasonable, and will very chearfully conform themselves thereunto.

An. 12. Car. II.
1660.
November.

1. ' We do in the first Place declare our Purpose and Resolution is, and shall be, to promote the Power of Godliness, to encourage the Exercises of Religion both public and private, and to take Care that the Lord's Day be applied to holy Exercises, without unnecessary Divertisements; and that insufficient, negligent, and scandalous Ministers, be not permitted in the Church. And that as the present Bishops are known to be Men of great and exemplary Piety in their Lives, which they have manifested in their notorious and unexampled Sufferings during these late Distempers, and of great and known Sufficiency of Learning; so we shall take special Care, by the Assistance of God, to prefer no Men to that Office and Charge, but Men of Learning, Virtue, and Piety, who may be themselves the best Examples to those who are to be governed by them; and we shall expect, and provide the best we can, that the Bishops be frequent Preachers, and that they do very often preach themselves in some Church of their Diocese, except they be hindered by Sickness or other bodily Infirmities, or some other justifiable Occasion; which shall not be thought justifiable if it be frequent.

2. ' Because the Dioceses, especially some of them, are thought to be of too large Extent, we will appoint such a Number of Suffragan Bishops in every

An/ 12. Car. II. every Dioceſe, as ſhall be ſufficient for the due Performance of their Work.

1660.

November.

3. ' No Biſhop ſhall ordain, or exerciſe any Part of Jurisdiction, which appertains to the Censures of the Church, without the Advice and Assistance of the Presbyters; and no Chancellor, Commissary, or Official, as such, shall exercise any Act of Spiritual Jurisdiction in these Cases, viz. Excommunication, Absolution, or wherein any of the Ministry are concerned, with reference to their pastoral Charge. However, our Intent and Meaning is, to uphold and maintain the Profession of the Civil Law, so far, and in such Matters, as it hath been of Use and Practice within our Kingdoms and Dominions: Albeit, as to Excommunication, our Will and Pleasure is, That no Chancellor, Commissary, or Official, shall decree any Sentence of Excommunication or Absolution, or be Judges in those Things wherein any of the Ministry are concerned, as is aforesaid. Nor shall the Archdeacon exercise any Jurisdiction without the Advice and Assistance of six Ministers of his Archdeaconry, whereof three to be nominated by the Bishop, and three by the Election of the major Part of the Presbyters within the Archdeaconry.

4. ' To the End that the Deans and Chapters may be the better fitted to afford Counsel and Assistance to the Bishops, both in Ordination and the other Offices mentioned before, we will take Care that those Preferments be given to the most learned and pious Presbyters of the Dioceſe; and moreover, that an equal Number (to those of the Chapter) of the most learned, pious, and discreet Presbyters of the same Dioceſe, annually chosen by the major Vote of all the Presbyters of that Dioceſe present at such Elections, shall be always advising and assisting, together with those of the Chapter, in all Ordinations, and in every Part of Jurisdiction which appertains to the Censures of the Church, and at all other solemn and important Actions, in the Exercise of the Ecclesiastical Jurisdiction, wherein any of the Ministry are concerned: Provided, That at all such Meetings, the Number of the Ministers so elected, and those present

of

of the Chapter, shall be equal, and not exceed one the other; and that, to make the Number equal, the Juniors of the exceeding Numbers be withdrawn, that the most antient may take Place. Nor shall any Suffragan Bishop ordain, or exercise the fore-mentioned Offices and Acts of Spiritual Jurisdiction, but with the Advice and Assistance of a sufficient Number of the most judicious and pious Presbyters, annually chosen as aforesaid, within his Precincts. And our Will is, That the great Work of Ordination be constantly and solemnly performed by the Bishop and his aforesaid Presbytery, at the four set Times and Seasons appointed by the Church for that Purpose.

5. ' We will take Care that Confirmation be rightly and solemnly performed, by the Information, and with the Consent, of the Minister of the Place, who shall admit none to the Lord's Supper, till they have made a credible Profession of their Faith, and promised Obedience to the Will of God, according as is expressed in the Considerations of the Rubrick before the Catechism; and that all possible Diligence be used for the Instruction and Reformation of scandalous Offenders, whom the Minister shall not suffer to partake of the Lord's Table, untill they have openly declared themselves to have truly repented, and amended their former naughty Lives, as is partly expressed in the Rubrick, and more fully in the Canons; provided there be Place for due Appeals to superior Powers. But besides the Suffragans and their Presbytery, every Rural Dean, (those Deans, as heretofore, to be nominated by the Bishop of the Diocese) together with three or four Ministers of that Deanry, chosen by the major Part of all the Ministers within the same, shall meet once in every Month, to receive such Complaints as shall be presented to them by the Ministers or Churchwardens of the respective Parishes; and also to compose all such Differences betwixt Party and Party, as shall be referred unto them by Way of Arbitration; and to convince Offenders, and reform all such Things as they find amiss, by their Pastoral Reproofs and Admonitions,

An. 12. Car. II.
1660.
November.

An. 12. Car. II.
1660.

November,

monitions, if they may be so reformed. And such Matters as they cannot, by this pastoral and persuasive Way, compose and reform, are by them to be prepared for, and presented to, the Bishop; at which Meeting any other Ministers of that Deanry may, if they please, be present and assist. Moreover, the Rural Dean and his Assistants are, in their respective Divisions, to see that the Children and younger Sort be carefully instructed by the respective Ministers of every Parish, in the Grounds of Christian Religion, and be able to give a good Account of their Faith and Knowledge, and also of their Christian Conversation conformable thereunto, before they be confirmed by the Bishop, or admitted to the Sacrament of the Lord's Supper.

6. 'No Bishop shall exercise any arbitrary Power, or do or impose any thing upon the Clergy or the People, but what is according to the known Law of the Land.

7. 'We are very glad to find, that all with whom we have conferred, do, in their Judgments, approve a Liturgy, or set Form of public Worship, to be lawful; which, in our Judgment, for the Preservation of Unity and Uniformity, we conceive to be very necessary. And tho' we do esteem the Liturgy of the Church of *England*, contained in the Book of Common Prayer, and by Law established, to be the best we have seen, (and we believe that we have seen all that are extant and used in this Part of the World) and well know what Reverence most of the Reformed Churches, or at least the most learned Men in those Churches, have for it; yet, since we find some Exceptions made against several Things therein, we will appoint an equal Number of learned Divines, of both Persuasions, to review the same, and to make such Alterations as shall be thought most necessary, and some additional Forms (in the Scripture Phrase as near as may be) suited unto the Nature of the several Parts of Worship; and that it be left to the Minister's Choice to use one or other at his Discretion. In the mean Time, and till this be done, altho' we do heartily wish and desire that the
Ministers,

Ministers, in their several Churches, because they dislike some Clauses and Expressions, would not totally lay aside the Use of the Book of Common Prayer; but read those Parts against which there can be no Exception, which would be the best Instance of declining those Marks of Distinction, which we so much labour and desire to remove; yet, in Compassion to divers of our good Subjects, who scruple the Use of it as now it is, our Will and Pleasure is, that none be punished or troubled for not using it, untill it be reviewed and effectually reformed as aforesaid.

An. 12. Car. II.
1660.
November.

8. ' Lastly, concerning Ceremonies (which have administred so much Matter of Difference and Contention, and which have been introduced by the Wisdom and Authority of the Church, for Edification and the Improvement of Piety); we shall say no more, but that we have the more Esteem of all, and Reverence for many of them, by having been present in many of those Churches where they are most abolished or discountenanced: And it cannot be doubted but that, as the Universal Church cannot introduce one Ceremony in the Worship of God, that is contrary to God's Word expressed in the Scripture, so every National Church, with the Approbation and Consent of the Sovereign Power, may, and hath always introduced such particular Ceremonies, as, in that Conjunction of Time, are thought most proper for Edification, and the necessary Improvement of Piety and Devotion in the People, tho' the necessary Practice thereof cannot be deduced from Scripture: And that which before was, and in itself is, indifferent, ceases to be indifferent after it is once established by Law; and therefore our present Consideration and Work is, to gratify the private Consciences of those who are grieved with the Use of some Ceremonies, by indulging to, and dispensing with their omitting those Ceremonies, not utterly to abolish any which are established by Law, (if any are practised contrary to Law, the same shall cease) which would be unjust and of ill Example, and to impose upon the Consciences of
some

An. 12. Car. II. some, for the Satisfaction of the Consciences of others,
1660.

November.

which is otherwise provided for. As it could not be reasonable that Men should expect that we should ourself decline, or enjoin others to do so, to receive the blessed Sacrament upon our Knees, which, in our Conscience, is the most humble, most devout, and most agreeable Posture for that holy Duty, because some other Men, upon Reasons best, if not only, known to themselves, chuse rather to do it sitting or standing. We shall leave all Decisions and Determinations of that Kind, if they shall be thought necessary for a perfect and entire Unity and Uniformity throughout the Nation, to the Advice of a National Synod, which shall be duly called, after a little Time and a mutual Conversation between Persons of different Persuasions hath mollified those Distempers, abated those Sharpnesses, and extinguished those Jealousies which make Men unfit for those Consultations. And upon such Advice we shall use our best Endeavour that such Laws may be established, as may best provide for the Peace of the Church and State. Provided, That none shall be denied the Sacrament of the Lord's Supper, though they do not use the Gesture of Kneeling in the Act of Receiving.

‘ In the mean Time, out of Compassion and Compliance towards those who would forbear the Cross in Baptism, we are content that no Man shall be compelled to use the same, or suffer for not doing it : But if any Parent desires to have his Child christened according to the Form used, and the Minister will not use the Sign, it shall be lawful for that Parent to procure another Minister to do it ; and if the proper Minister shall refuse to omit that Ceremony of the Cross, it shall be lawful for the Parent, who would not have his Child so baptized, to procure another Minister to do it, who will do it according to his Desire.

‘ No Man shall be compelled to bow at the Name of *Jesus*, or suffer in any Degree for not doing it, without reproaching those who, out of their Devotion, continue that antient Ceremony of the Church.

‘ For

‘ For the Use of the Surplice ; we are contented An. 12. Car. II.
1660.
that all Men be left to their Liberty to do as they shall think fit, without suffering in the least Degree for wearing or not wearing it. Provided, That this Liberty does not extend to our own Chapel, Cathedral, or Collegiate Churches, or to any College in either of our Universities ; but that the several Statutes and Customs for the Use thereof in the said Places, be there observed as formerly.

November.

‘ And because some Men, otherwise pious and learned, say they cannot conform unto the Subscription required by the Canon, nor take the Oath of Canonical Obedience, we are content, and it is our Will and Pleasure, (so they take the Oaths of Allegiance and Supremacy) that they shall receive Ordination, Institution, and Induction, and shall be permitted to exercise their Function, and to enjoy the Profits of their Livings, without the said Subscription or Oath of Canonical Obedience. And moreover, That no Persons in the Universities shall, for the Want of such Subscription, be hindered in the taking of their Degrees. Lastly, That none be judged to forfeit his Presentation or Benefice, or be deprived of it, upon the Statute of the 13th of Queen *Elizabeth*, Chap. 12. so he read and declare his Assent to all the Articles of Religion, which only concern the Confession of the true Christian Faith, and the Doctrine of the Sacraments, comprised in the Book of Articles, in the said Statute mentioned. In a Word ; we do again renew what we have formerly said in our Declaration from *Breda*, for the Liberty of tender Consciences, That no Man shall be disquieted or called in Question for Differences of Opinion in Matters of Religion, which do not disturb the Peace of the Kingdom ; and if any have been disturbed in that Kind since our Arrival here, it hath not proceeded from any Direction of ours.

‘ To conclude, and in this Place to explain what we mentioned before, and said in our Letter to the House of Commons from *Breda*, That we hoped, in due Time, ourself to propose somewhat for the Propagation of the Protestant Religion, that will satisfy
the

An. 12. Car. II.
1660.
November.

the World that we have always made it both our Care and our Study, and have enough observed what is most like to bring Disadvantage to it: We do conjure all our loving Subjects to acquiesce in, and submit to, this our Declaration, concerning those Differences which have so much disquieted the Nation at home, and given such Offence to the Protestant Churches abroad, and brought such Reproach upon the Protestant Religion in general, from the Enemies thereof, as if, upon obscure Notions of Faith and Fancy, it did admit the Practice of Christian Duties and Obedience to be discountenanced and suspended, and introduce a Licence in Opinions and Manners, to the Prejudice of the Christian Faith. And let us all endeavour, and emulate each other in those Endeavours, to countenance and advance the Protestant Religion abroad, which will be best done by supporting the Dignity and Reverence due to the best Reformed Protestant Church at home; and which, being once freed from the Calumnies and Reproaches it hath undergone from these late ill Times, will be the best Shelter for those abroad, which will, by that Countenance, both be the better protected against their Enemies, and be the more easily induced to compose the Differences amongst themselves, which give their Enemies more Advantage against them. And we hope and expect, that all Men will henceforward forbear to vent any such Doctrine in the Pulpit, or to endeavour to work in such Manner upon the Affections of the People, as may dispose them to an ill Opinion of us and the Government, and to disturb the Peace of the Kingdom; which if all Men will, in their several Vocations, endeavour to preserve with the same Affection and Zeal we ourself will do, all our good Subjects will, by God's Blessing upon us, enjoy as great a Measure of Felicity, as this Nation hath ever done, and which we shall constantly labour to procure for them, as the greatest Blessing God can bestow upon us in this World.

Given at our Court at Whitehall, this 25th Day of October, 1660.

In this Volume also, at p. 12, *Nov.* 13, 1660, *An. 12. Car. II.* Notice is taken of a Complaint being made in the House of Commons against a Book called, *The Long Parliament revived*, &c. then printed for, and published by, one *Thomas Phillips*, Gent. *Nov.* 17, at p. 16, Secretary *Morrice* acquainted the House, That he had found out the real Author to be one *William Drake*, a Merchant in *London*, who had confessed the same to him. The Debates about it, and Proceedings thereupon, may be seen in the History; but the Pamphlet itself, being purely Parliamentary, and not to be met with but in some old Collections, is too curious to be omitted in this Appendix.

1660.
November.

The LONG PARLIAMENT REVIVED; or an ACT for CONTINUATION, and the not DISSOLVING the LONG PARLIAMENT, (called by King Charles the First, in the Year 1640) but by an Act of Parliament; with undeniable Reasons deduced from the said Act, to prove that That Parliament is not yet dissolved. Also Mr. William Prynne's five Arguments fully answered, whereby he endeavours to prove it to be dissolved by the King's Death, &c. By Thomas Phillips, Gentleman, a sincere Lover of his King and Country.

Anno 17. Caroli Regis.

An ACT to prevent Inconveniences which may happen by the untimely adjourning, proroguing, or dissolving of this present Parliament.

Whereas great Sums of Money must of Necessity be speedily advanced and provided for Relief of his Majesty's Army and People in the Northern Parts of this Realm, and for preventing the imminent Danger this Kingdom is in, and for Supply of other his Majesty's present and urgent Occasions, which cannot be so timely effected as is requisite, without Credit for raising the said Monies; which Credit cannot be obtained untill such Obstacles be first removed as are occasioned by Fears, Jealousies, and Apprehensions of

VOL. XXIII. T divers

London, printed for the Author, and are to be sold at the *Castle and Lion* in *St. Paul's Church Yard*, 1661.

An. 12. Car. II.
1660.

November.

divers his Majesty's loyal Subjects, that this present Parliament may be adjourned, prorogued, or dissolved, before Justice shall be duly executed upon Delinquents, public Grievances redressed, a firm Peace between the two Nations of England and Scotland concluded, and before sufficient Provision be made for the Repayment of the said Monies so to be raised: All which the Commons, in this present Parliament assembled, having duly considered, do therefore humbly beseech your Most Excellent Majesty that it may be Declared and Enacted.

And be it Declared and Enacted, by the King our Sovereign Lord, with the Assent of the Lords and Commons in this present Parliament assembled, and by the Authority of the same, That this present Parliament, now assembled, shall not be dissolved, unless it be by Act of Parliament to be passed for that Purpose. Nor shall it be, at any Time or Times, during the Continuance thereof, prorogued or adjourned, unless it be by Act of Parliament to be likewise passed for that Purpose. And that the House of Peers shall not, at any Time or Times, during this present Parliament, be adjourned, unless it be by themselves, or by their own Order. And in like Manner, that the House of Commons shall not, at any Time or Times, during this present Parliament, be adjourned, unless it be by themselves, or by their own Order. And that all, and every Thing and Things whatsoever done, or to be done, for the Adjournment, Proroguing, or Dissolving of this present Parliament, contrary to this Act, shall be utterly void and of none Effect.

The LONG PARLIAMENT REVIVED.

Mr. Drake's
Pamphlet on the
Long Parlia-
ment.

TO the End the Peace of this Nation may be established upon a firm and lasting Foundation, and that, after one Shipwreck hardly escaped, we run not blindfold again upon a more fatal and irrecoverable Rock of Confusion, the Author of this small Paper, out of tender Compassion to his native Country, and with all humble Respects of due Allegiance and Honour to his Royal Majesty that now is, hath thought fit (with the premised Act of Parliament) to offer some few Arguments to the World, naturally

A P P E N D I X. 189

rally flowing from the Authority and Reason of it; which, if timouſly hearkened to, may yet prove a healing Remedy againſt the ſad Breaches of this ſhattered Kingdom, and prevent thoſe other Miſchiefs, which the Obſtinacy of injudicious and ſelf-willed Perſons will inevitably bring upon themſelves and us. And if convincing Reason may bear the Sway in this perverſe Age, wherein every Man would make his petty private Deſigns to be his Law rather than common Equity, or the eſtabliſhed Law of the Nation, he doubts not of the deſired Succeſs he aims at, with God's Bleſſing, in this enſuing Diſcourſe.

An. 12. Car. II.
1660.
November.

‘ That the Safety and Happineſs of this Kingdom lies in Parliaments rightly conſtituted, and in the Preſervation of their juſt and lawful Privileges, I ſuppoſe there are none, of what different Judgments ſoever in other Things, who are Subjects of this Nation, and of ſober Principles, but will readily grant it; and if ſo, the contrary thereunto will then without Doubt as eaſily be concluded.

‘ Which Maxim being yielded, in reference to other Parliaments, it muſt, by Proportion, hold as true in relation to the Long Parliament called by the late King *Charles* the Firſt, of bleſſed Memory, in the Year 1640; whoſe Being and legal Authority is ſtill ſo viſibly exiſtent, by virtue of the fore-mentioned Act, that when the Subjects of this Nation have ſeriously conſidered of it, they will doubtleſs ſee they have no Reason to hold themſelves ſafe in their Lives, Liberties, and Eſtates, till it have made Proviſion in that Behalf, and it be legally diſſolved, according to the Tenor of the ſaid Act, by Act of Parliament for that Purpoſe.

‘ And, therefore, ſeeing that ſo great a Diſſecurity to the Subjects and the Peace of the Kingdom is incumbent hereupon, as who doth not evidently perceive it, (in caſe that Parliament is yet in its legal Force and Being) how much doth it concern every Subject of this Nation to be groundedly ſatiſfied in this Particular, by a ſolid anſwering of thoſe Objections that ſeem to militate againſt the Verity of this

An. 12. Car. II.

1660.

November.

Assertion, That Men's Minds may be settled, together with the Peace of the Nation, upon a sure Foundation of Law and Righteousness; and we may not, like the Waves of the Sea, be still fluctuating to and fro in Doubts and Uncertainties, by the divers Winds of Men's contrary Judgments and Opinions, to the continual Hazard of our dearest Concernments?

' To evidence the still legal Being of that foresaid Parliament, the Act speaks sufficiently for itself, in plain and express Terms; yet, to make it more clear, these following Arguments, from the Act itself, and the Title of it, do more apparently evince it.

1. ' To begin with the Title, which is, *An Act to prevent Inconveniences that may happen by the untimely adjourning, proroguing, or dissolving of this present Parliament*; which Inconveniences are specified in the following Preamble of the said Act, whereof chiefly one is this: *Left Credit should not be obtained for raising of Monies for Relief of his Majesty's Army, and People in the North, and for Supply of other his Majesty's present and urgent Occasions, through the continued Fears of the Subjects lest the Parliament may be adjourned, prorogued, or dissolved, before sufficient Provision be made for Repayment of the said Monies to be raised.*

' In which Words there are two Things principally to be considered in reference to the Intent and Meaning of this Act, why it was made.

' *First*, For the obtaining of Credit, in order to the raising of considerable Sums of Money for Supply of the King's and Kingdom's great Necessities, which could never have been done, (as by the Act itself is supposed) had not this Act been made; it being the only Ground and Foundation of Encouragement for the Credit which was to be given, in order to the raising of the said Monies, and did accordingly effect it.

' *Secondly*, The Parliament could not, without this, be in any secure Condition to make Provision for the Repayment of the said Money so to be raised, in regard that, thro' Defect of such an Act, the Parliament

ment might be in continual Danger to be untimely dissolved; and, by the clear Scope of the Act, it is accounted an untimely Dissolution, if dissolved before the said Provision be made; therefore the Dissolution of the said Parliament, before such Provision made for Repayment of the said Monies, which is not yet done, is expressly contrary to the true Meaning and Intention of this Act. And if this Act were made purposely to prevent the untimely Dissolution of the Parliament, (as it stands express in the Title) then it cannot but have Respect to the King's Death, as well as to any other Means of untimely Dissolution: The Parliament well knowing the King's Life was as uncertain, yea, in some Respects, more uncertain, than the Life of other Men; and therefore could not chuse but so understand it, if they intended this Act to be any Security for the Monies borrowed, or to be borrowed, upon their Credit.

An. 12. Car. II.
1660.
November.

‘*Thirdly*, In the Substance and Body of the Act, it is delivered in express Terms, *That this present Parliament shall not be dissolved but by an Act of Parliament*: Whence it follows, That if not dissolveable unless by an Act of Parliament, then it is exclusive to all other Ways and Means of Dissolution, (as the Interruption by arm'd Violence, the forcible Omision of Days of Adjournment, the violent or natural Death of the King) or whatsoever else might be done, or have happened, legally to dissolve it, had not this Act been made or constituted.

‘*Fourthly, and lastly*, To make all clear, without any Exception, in the Close of the said Act it is expressed, *That all and every Thing and Things whatsoever done, or to be done, for the adjourning, proroguing, or dissolving of this present Parliament, contrary to this Act, shall be utterly void and of none Effect*: Which Clause you see looks backwards and forwards in reference to whatsoever had a legal Power and Tendency before this Act to dissolve the Parliament. Against which this Act hath now fully provided, that neither what hath been done for the Time past, nor whatsoever shall be done for Time to come, shall dissolve this Parliament, excepting an

An. 12. Car. II.

1660.

November.

Act of the said Parliament. Whence I argue, That all those Things that otherwise legally would or might have dissolved this Parliament, had not this Act been made, have no Force or Efficacy to dissolve this, but only an Act of this present Parliament: All other Parliaments having no legal Capacity till this be legally dissolved; unless it be granted that two Parliaments may have both of them legal Capacity at one and the same Time; which I believe there are none so absurd as to aver, no more than that two Kings may have a legal Capacity at one Time in the same Kingdom.

‘ But because there are divers Objections that seem to oppose the Premises and the legal Being and Capacity of the said Parliament, I shall endeavour to answer them as strongly, and yet as briefly, as I may, to every ordinary Reader’s Understanding.

‘ The *first* and grand Objection of all is, The Death of the late King that summoned this Parliament in the Year 1640, and is argued by Mr. *William Prynne*: *Because*, saith he, *it hath been frequently resolved by Parliaments themselves, the Reverend Judges, and our Law Books; by King Charles’s own Declaration, and his Judges and Council, That the Deposition and Death of the King doth actually dissolve the Parliament, &c.*

‘ To which I answer, by way of Concession, That the Death of the King doth legally, or according to Custom, dissolve a Parliament that is only called and constituted by the King’s Writ; but not a Parliament constituted and confirmed by an Act of the Three Estates. Let Mr. *Prynne*, or any other Lawyer, shew me any Law or Precedent to that Purpose, and I will presently yield the Cause.

‘ If Mr. *Prynne* would have spoken home to this Case, he should have made it appear where, or when, it had been resolved by Parliament, the Judges, our Law Books, &c. that in case of an Act of Parliament made for the Session and Continuance of a Parliament, till they should dissolve themselves by an Act,

‘ See his true and perfect Narrative of what was done and spoken by and between Mr. *Prynne*, and the old and newly forcibly secluded Members, beginning at p. 24, and so forwards. Printed in the Year 1659.

Act, that such a Parliament hath been, or shall nevertheless be, dissolved by the King's Death; which, it is believed, he will find a very hard Task to prove.

' Secondly, He objects, *The Parliament is no standing Court, sitting at certain Seasons by positive Laws, but summoned and constituted by the King's Writ of Summons and Royal Prerogative, when and where he pleaseth, and adjourned, prorogued, and dissolved by his Writ alone in Point of Law, &c.*

' I answer again, by way of Concession, That Parliaments, according to their wonted and by-past Customs, were no certain Courts, sitting at certain Seasons by positive Laws: But yet may be made such by Act of the Three Estates: Witness the Triennial Parliament.

' And further, by an extraordinary Grant of his late Majesty, this Parliament was made a standing Court to sit constantly by a positive Law, till they should please to dissolve themselves. He having been pleased, by the said Grant, for the better Security of his Subjects, to wave his Royal Prerogative and Power of Dissolution, and to give his Consent for the nulling of all other Means tending thereunto.

' And for what Mr. Prynne intimates further in the said Objection: *That because all Writs of Summons are actually abated by the King's Death, as well as all other Commissions, and Patents of all Judges, Justices, &c. that therefore this Parliament must needs be dissolved.*

' I answer, That doth not at all follow, till he can make it appear that there is no more Validity in an Act of Parliament of the Three Estates, than there is in a meer Writ of Summons, or a Commission or Patent granted only by the King: For tho' this Parliament was summoned by the King's Writ, yet it is manifest its Continuance and Confirmation did not at all depend on That (for then he might still have dissolved it when he pleased); but upon the Act of the Three Estates, who had established it by Law, and so was no more dissolveable by the King's Death, than any other Statute Law or Act of Parliament

An. 12. Cal. II.
1660.
November.

An. 12. Car. II.

1660.

November.

liament whatsoever; and therefore is not depending on so fickle a Thing as a Writ of Summons, or a Patent, or Commission given the Judges, and which the King may take away and repeal again at his own Pleasure.

‘ And, to illustrate this more by an Instance, I shall desire to ask Mr. *Prynne* this Question: Put a Case that there are certain urgent Necessities, as before specified in the Act, that the Parliament hath of great Sums of Money, for preserving the Peace of the Kingdom: This Money they must take up upon their Credits; but they see no Ways how to raise or repay it, unless their Session be continued for seven Years; therefore, to get Credit for raising the said Money, and Time to reimburse, or give Security to, the Lenders, they obtain the King’s Consent to an Act for their Continuance during the said Term, with this Proviso inserted, Though the King, by any Accident, should happen to die before the said Security was given, or the Monies paid. Whether doth the Parliament, in this Case, continue in Force and Efficacy after the King’s Death, or is it then actually dissolved?

‘ If Mr. *Prynne* grant it a Parliament in Force, after the King’s Death, upon this Consideration, (as I conceive he cannot deny it) then it is apparent that it is not the King’s Death barely that doth of itself dissolve a Parliament, *viz.* I say, a Parliament established by a Law; and consequently then not this Parliament, the Reason being alike for the one as for the other.

‘ But if he shall aver, (which to me is incredible) That notwithstanding such an Act, yet, by the King’s Death, it is legally dissolved; then it will necessarily follow, that Parliament-Security, which was ever looked upon till now as inviolable, is most dangerous, and, of all others, least to be trusted. And the Subjects had need to be warned to take Heed of it, seeing it must wholly depend upon so uncertain a Thing as the King’s Life; which, as it throws no small Dishonour upon that High Court, so it will be no little Prejudice to public Emergencies: For if the
King

King die half a Year after the Monies borrowed, and before the Security be given, (and he hath no furer or longer a Lease of his Life than other Men) all the said Monies must absolutely be lost, and so the Subjects defrauded, no future Parliament being bound to make good the Acts and Deeds of a former, further than they will or please themselves. And it is to be wished that the Kingdom may not now too sadly have Experience of it.

An. 12. Car. II.
1660.
November.

‘ Thirdly, Mr. Prynne objects, The King’s Name, in which the Writs for Election are issued forth; that, because they go out in the Name of the King reigning, and so calls the Persons elected to advise with him personally; and the Parliament to be convened is called his Parliament, and is to consult of the arduous Businessses of the Kingdom concerning him, &c. Therefore, when the King dies who called the Parliament to advise and consult with himself, the Parliament must necessarily be dissolved, unless they could be supposed to consult and advise with him of the weighty Affairs of his Kingdom after his Decease.

‘ To this I answer first, That tho’ the Writs of Summons run, to consult with the King personally, or by Name, yet they say not to consult with him only, and so are not so exclusive, having Respect to the Reason and Equity of the Law; but that the same Parliament may also consult with his Successor, if the Peace and Safety of the Kingdom do require: Granting this Maxim to be undeniably true, That the Safety of the People is the Supreme Law.

‘ And though the Parliament summoned by the King’s Writs be called his Parliament, yet his Death doth no more vacate it, being established by Law, than it doth other Laws by the same King made, which are most properly called his Laws, because enacted with his personal Consent; and yet we know that they are not so his, but that they are also the Laws of his Successors, and are so commonly called.

‘ Besides, by constituting the Parliament to dure till they dissolve themselves by an Act, the King virtually waved the Authority of his Writs of Summons, in which Writs the Parliament is expressed to be called

An. 12. Car. II.

1660.

November.

called to consult with him by Name, no such Thing being in the least said or expressed in the Act by which this Parliament is now confirmed to continue, &c. Therefore it matters not, neither is it at all to the Purpose in this Case, how, or in what Name, the Writs of Summons, whereby this Parliament was first called, were issued forth: Forasmuch as this Parliament consists no longer by any Authority derivative from those Writs (that Foundation being wholly taken away); but only by Act of the Three Estates, as is evident in that the King could not now dissolve it by his personal Authority any more. And if his personal Authority, he being living (which is affirmative) could not dissolve it; then his Death, which is but negative, or a Cessation of the Influence of his personal Authority, can much less do it.

‘ And farther, by way of Interrogation, I would ask Mr. *Prynne*, Whether he will grant any more Privilege (in the Case of the King’s Death) to a Parliament established by a Law, than he will do to a Parliament only call’d and constituted by the King’s Writs, between which he cannot surely but say there is a very wide Difference? And if he yields the Privilege doth excel (as he must needs) on the Side of that Parliament that is established by a Law, in what Sense can he conceive it to be, as the Case here put, unless by the Duration of its Authority after the King’s Death who called it? Of which Privilege the Parliament only constituted by the King’s Writs comes short, and fails, as before acknowledged, by the King’s Death.

‘ And I would fain know what Reason there is, that a strained Exposition of a Statute Law as this is, (that this Parliament should be dissolved by the King’s Death) should take Place against the express literal Sense of it, which is, That it shall not be dissolved but by an Act: When as the strained Sense also is evidently dangerous, unsafe, and prejudicial to the Public; but the literal exceeding beneficial.

‘ The calling of Parliaments in this or that King’s Name, to consult or advise with this or that King, these are but circumstantial Things, and done for
Order’s

Order's Sake, and nothing of the Substantials and Essence of the Government and Kingdom's Welfare.

And therefore, if Parliaments, called in this or that King's Name, to advise with this or that King, should continue in Force (tho' there were no Act for it) after this or that King's Death, there were no Danger or Inconvenience in it; how much less when an Act, as now, implicitly passed for that Purpose; but rather the contrary? They may consult with as much Safety and Advantage to the Kingdom with the Successor, as they did with the deceased King.

An. 12. Car. II.
1660.

November.

' But to dissolve Parliaments rashly and untimely, may throw a well-settled Kingdom into very great and hazardous Difficulties. And how sad a Thing were it, and how contrary to the general Rule of the People's Safety, (which, in the Government of a Nation, ought to be valued before any thing, and is the End of Government) if, for Circumstances, the general Welfare and Peace of the Kingdom must be hazarded?

' Fourthly, As to what Mr. Prynn objects concerning *A Man by his Will or Deed, or the King by his Commission, or the Parliament by special Act and Order, authorizing and empowering any three Persons jointly to sell Land, give Livery and Seisin, execute any Commission, &c. and that in case any of them die, the two Survivors, jointly or severally, can do nothing, because their Authority and Trust was joint and not several, &c.* Applying this to the Parliament, which being (as he now expresseth it) a Corporation compacted jointly of the King, Lords, and Commons' House, and Three Estates, that therefore the Death of the King necessarily dissolves it notwithstanding this Act.

' I answer, This doth no more prove it than any of his former Arguments; for this Similitude doth not hold Proportion, nor come up to our present Case.

' For we have not here to do with one Estate or more that hath absolute Power in itself (and intends to execute it) to constitute other Persons for any Office or Trust, as a single Person, &c. that makes

An. 12. Car. II.

1660.

November.

a Will or Deed doth constitute three or more Persons, in Trust for the Execution of his Will or Deed, whose joint Power, being expressed in the said Will or Deed, necessarily fails upon the Death of any one of them, because jointly and not severally intrusted.

‘ But with a Parliament, *Who have voluntarily engaged themselves*, upon a Trust and Credit received from the People for their Security, with the Consent of the King, making a Law to preserve their Session, and *establish their own Authority*, against all Means of their untimely Dissolution, *till they had honourably discharged their Trust*, and given Security and Satisfaction to those that gave them Credit: Which nothing concerns any Power or Authority to be given to others, whether three or more Persons, according to Mr. *Prynne’s* Instance, to be executed jointly, wherein a Failure may be through any one of their Deaths.

‘ But because there seems something still to be unanswered to this Objection, in reference to the conjunctive Power of the Parliament consisting of Three Estates; therefore this also is fully resolved, in the following Answer, to what Mr. *Prynne* intimates concerning the King’s being a Part of the Parliament, who saith, *That because the King is a Part of the Parliament, therefore, if the King dies, the Parliament must needs be dissolved.*

‘ To which I answer, That the King is rather a Part of the Parliament in his politic, than in his personal, Capacity; which is always subject to Death, but his politic, never. With this agrees that famous Lawyer Sir *Edward Coke*, (see the third Part of his Institutes, Chap. 1.) where, speaking of the High Court of Parliament, and of what Persons it consisteth, saith, in the first Place, and in express Words, That it consists of the King’s Majesty sitting there, as in his Royal, Politic Capacity, &c. And if so, then the Parliament dies not in all Cases when the King dies: And if this holds good in any Case, then surely in Case of an Act to that Purpose; for though his Person be dead, yet his Royal Authority lives,

as

as is sufficiently evident by the Force and Authority An. 12. Car. II.
of all our Laws, till repealed by Act of Parliament. 1660.]

‘ But besides, it may thus farther be argued clearly, The Members of the two Houses of Parliament, tho’ many of them die, (as oft-times it comes to pass, and ’tis possible they may all die by Degrees before the Parliament rise) yet the Parliament is not dissolved, because they are not now the very same individual Persons that were chosen first by the King’s Writs of Summons. ’Tis sufficient that there have been new Writs issued forth from that House, or Estate of Parliament whereof they were Members, whereby new Elections, &c. have been made, and so other Members returned to supply the Places of the dead ones. And if this be good in the Case of the two Houses of Parliament, &c. which no Man that understands Law, and the Usage of Parliaments will deny; then it is much more good in the Case of the King’s Majesty’s Person, whose Royal Estate and Authority is so evident, that it is a declared, undeniable Maxim in our Laws, He never dies. So that what new Writs do legally, for Supply of the Places of the dead Members, to continue the Estate and Authority of the two Houses of Parliament, that, and much more eminently, the King’s immediate Succession to the Crown, after his Father’s or Predecessor’s Death, doth do, by virtue of his Royal Birth-right and Title of Inheritance. There being this grand Difference between Members of Parliament dying, and the King; they so die that their Authority cannot be revived but by new Elections, or Writs of Summons; but the King so dies, that his Authority still lives by immediate Succession. Whence it is, that the Royal Seat is never vacant, that there should be a Failure to make good the Royal Actions of the Predecessor. And thus the Third Estate in Parliament, always living, *the joint Power still continues*; and so there is no Necessity the Parliament should dissolve, (as Mr Prynne affirms) due Circumstances and Actions being weigh’d, and the Necessities of the Kingdom well considered.

Fifthly,

November.

An. 12. Car. II.

1660.

November,

Fifthly, Therefore, by what hath been already said, Mr. *Prynne's* fifth and last Argument must needs be out of Doors, which is this, *That because the End of Parliaments is to enact new Laws, and repeal others, &c. which cannot be done but by the King's Assent; and this Parliament being to be dissolved by an Act, and an Act being now impossible to be made by that King for the Dissolution of it, he being dead; therefore his Death must needs dissolve the Parliament notwithstanding this Act.*

‘ I answer in the Negative, In nowise; for tho’ he be dead, as aforesaid, in his personal, (which Mr. *Prynne* seems to answer too weakly in his following Objection) yet not in his politic Capacity: And therefore, if the dead King cannot enact Laws by the Parliament, yet his Successor can, who comes to the Crown immediately after his Father’s Death. And, as hath been shewed, it is nowise inconvenient, but may many Ways be advantageous to the Public, That, should the King chance anywise to be untimely taken away, the Parliament should continue after the King’s Death; whose Death, if it should necessarily (as Mr. *Prynne* affirms) dissolve the Parliament, so untimely a Dissolution, as the Case might stand, might prove very dangerous and pernicious to the Kingdom.

‘ Besides, the Act doth not limit the Parliament’s Dissolution as lawful only, if it be done by an Act of that King then living, when the Act was made; but, in general, it limits it to an Act of Parliament, that it shall not be dissolved but by an Act of Parliament. And why the Predecessor’s Authority and Consent should not be as binding to his Successor in this Case, till so dissolved, as in Case of any other Law made with his Consent, I would very gladly know a solid Reason for it; seeing that, to all Intents and Purposes, an Act for Confirmation, or Dissolution, may be as virtual and efficacious, without any Prejudice, by the Consent and Authority of the Successor, as of the Father.

‘ And further, the Act is also herein exprefs, That by no other Way or Means, *but by an Act of Parliament,*

it

it shall be dissolved : Which seeing it cannot be done by the dead King, but may be done by the Successor, it ought so to be dissolved, or else it must, and doth, by virtue of this Act, still remain legally in full Being and Authority.

An. 12. Car. II.
1660.
November.

Sixthly, As to what may be objected concerning the Dissolution of this Parliament by an Act, when the secluded Members were lately admitted ; the Argument is so weak, that I thought wholly to have omitted the least Mention of it ; yet, in regard it is objected by some, who seem to receive Satisfaction by it, and there to acquiesce, I shall give this Answer in brief to it :

First, That, at the best, that was but an Act, so called, of the House of Commons ; and so, consequently, far short of the Authority of an Act of Parliament, or any legal Pretence of it, which only consists of King, Lords, and Commons ; and therefore, by any such appellative Act, this Parliament can nowise be dissolveable.

And further, The utmost Authority that the House of Commons hath given them by the foresaid Act, for the Continuation of this Parliament till they dissolve themselves by an Act, is but to adjourn themselves by an Order of their own House, as is express in the said Act ; by which it is evident they have no Power to dissolve themselves, much less by any Act they can do to dissolve the Parliament.

And here it is worth the observing, (before I pass over this Act of the House of Commons, whereby it was endeavoured to dissolve the Parliament) That, in their Judgments and Consciences, there was Need of an Act to dissolve the Parliament : And therefore, by this Act of theirs, they did implicitly grant, that, before the passing of the said Act, the Parliament was not then dissolved ; and so, consequently, did acknowledge it not to be dissolved by the King's Death, which happened many Years before : And, if not dissolved by the King's Death, then much less by the said Act of the House of Commons, which carries not the least Shadow of legal Authority with it, as aforesaid, for the Dissolution of it ; and therefore,

An. 12. Car. II.
1660.

November.

fore, by the Judgment of the said House, rightly understood, it is still legally in Force and Being.

* But because some do object, That, in regard the Lords Spiritual, *to wit*, the Bishops, were outed the House of Peers before the passing this Act for Continuation of the Parliament, whereby their Votes and Consents were never had in the Case, that therefore it was an illegal Act, and so fell void in itself.

* I answer briefly, That the Abbots and Priors (twenty-nine in Number, who were formerly Lords of Parliament, and held *per Baroniam* from the King, and had their Seats and Votes in the House of Peers as well as the Temporal Lords) were dissolved in the Reign of King Henry VIII. and yet ^b all the Parliaments since, with all their Acts, have been held for legal and authentic, without the least Question or Contradiction of their Authority; and therefore is as little to be scrupled here, in our present Case, which is the same, the Bishops Privilege and Right to sit in Parliament being also null and made void, as well as theirs, by Act of Parliament. Whereunto much more might here be said to this Purpose, but that I would not be tedious.

* *Seventhly*, I have but one Word more, which answers most fully and unquestionably all Mr. *Prynne's* Objections at once, or what else may be said for the Dissolution of this Parliament by the King's Death; and that is taken from the supreme legislative Authority under God, that the Three Estates, *viz.* King, Lords, and Commons, legally called, have over all Persons and Causes in the whole Nation: By virtue whereof they have Power to do the highest Actions the Nation is capable of, tho' it be even to the dismembering of the Parliament itself, and dissolving a considerable Part of it, or altering any other Fundamental Constitutions they please^c, so they see it necessary

^b See Sir Edward Coke, in his third Part of Institutes of the High Court of Parliament, how the Lords gave their Voices, p. 35.

^c See *Ditto*, of the High Court of Parliament, of the Power and Jurisdiction of the Parliament, p. 36, who saith, *That the Power and Jurisdiction of the Parliament for making of Laws, in proceeding by Bill, is so transcendent and absolute, as it cannot be confined either for Causes or Persons within any Bounds, &c.*

cessary for the public Good, as particularly in the Case of the Bishops, called the Spiritual Lords, and by some affirmed to be the Third Estate in Parliament; who, nevertheless, have been excluded by an Act of the King, Lords, and Commons, from their antient Right of sitting and voting in Parliament, when, in their Wisdoms, their Session there appeared hurtful to Church and State: For who may question or control the Actions of a lawful Parliament, while none in the Kingdom can so much as pretend to be above them? And if their Authority be of so large an Extent, even in Matters of greatest Weight and Moment, then much more in Things of far inferior and much less Concernment, as is the Confirmation of a Parliament to continue after the King's Death who called it, if the Three Estates shall see good to pass an Act, as now they have done, to that Purpose, (implicitly, though not in express Terms) the King happening to die before it hath been dissolved by an Act of Parliament, as by the Three Estates hath been firmly enacted, it should be so dissolved, and no otherwise.

An. 12. Car. II.
1660.
November.

‘ By this Time, it may be hoped, the legal Being and Authority of the Long Parliament is sufficiently evident; the Truth whereof being so clearly proved, both by Law and Reason, how much doth it unfold to us the sad and dangerous Estate of the Kingdom, whilst under the Constitution of such Powers as neither, in Estate, Liberty, or Life (tho’ otherwise of good Inclinations to the Public) can give the Nation any legal Security?

‘ For tho’ many excellent Things have been done by the singular Wisdom of this present Parliament, now sitting, that are of special Tendency in themselves, for the Good and Safety of the Nation, thro’ his Majesty’s most gracious Condescension, for which we have infinite Cause to bless God; yet herein the great Unhappiness, that whilst their Authority is not legally founded, the Nation can promise themselves no Assurance for the lasting Enjoyment of those Benefits and Securities they have given it; seeing it is to be feared, and too justly, they fall void of themselves,

An. 12. Car. II. selves, by virtue of the said Parliament's illegal Policy and Constitution.

1660.

November.

‘ Therefore, how much were it to be wished that the Supreme Legislative Authority of the Nation might again revert into that Channel, by which the Peace and Settlement of the Nation, thro’ his Majesty’s most gracious Influence, might durably, and without Question, be provided for and preserved.

‘ In reference to which I shall humbly take the Boldness to offer it, as a weighty and serious Consideration to this present Parliament now sitting, whether they should not do well, for their own Safety as well as the Nation’s, to advise his Majesty in this Particular, (they only having the Privilege and Opportunity now effectually to do it) their Case in point of Safety or Danger, being the same with the rest of the People’s, when once they shall come to be dissolved.

‘ But now here, because the Fears and Scruples, which at first Apprehension are apt to arise in the Hearts of the Generality of the Kingdom, may seem a great Obstruction in Prudence against the Return of that Parliament to sit again, in reference to the Danger of perpetuating of it, who therefore may be ready to say, By so doing we may enslave King and Kingdom to such a Yoke of Bondage, as we may never be able to break off our own Necks, or the Necks of our Posterity any more.

‘ I shall give hereunto this closing Answer, That the Scruple is very rational; and though there is a Possibility they might attempt or do such a Thing, (though very improbable) if they should so wickedly abuse their Trust, yet those Fears will soon be removed from wise and discreet Persons, if we do but seriously consider, that the far greater Number of the Members surviving are of the secluded Party, who were thrust and forced out of the House for their Loyalty to the King, or of those that withdrew themselves upon the Offence given by Occasion of the Army’s Violence against King and Parliament, and have been the chief Instruments of his present Majesty’s happy Restoration: And therefore, being
Persons

Persons so qualified, we may easily believe they will not be very willing to draw such an Odium upon their unstained Credits, as will inevitably follow; besides the further Mischiefs will be apt to ensue to themselves and the Nation, by renewed Discontents, should they go about to engross the Authority of the Nation any longer in their own Hands, than will be necessary for public Safety, with his present Majesty's Approbation; who, for further Security against those Fears, may easily summon them together, by his Proclamation, to *Whitehall*, or where else he pleaseth, before their Session again in Parliament, and there receive their personal Promise and Engagement to confirm the Acts of this present Parliament, and to prepare a Bill the first Thing they do, at a certain Time to be agreed on betwixt his Majesty and them, to dissolve themselves; and for his Majesty's issuing out Writs for the summoning of a new Parliament, that so Things may sweetly return again, without Violence or Injury done either to his Majesty's Prerogative or his People's Liberties, into a regular and legal Way of Proceeding, to the general Security and Satisfaction of the whole.

P. S. ' Because there are great and general Dissatisfactions concerning this present Parliament (so called) now sitting, in Question of its legal Right and Authority, seeing the Author's Design is nothing else but the Peace and Security of his native Country, and a thorough Healing of our Wounds and Breaches, he humbly desires further to offer these few following Particulars, to the grave and serious Consideration of those that are more learned in the Laws, in Hopes that some eminent Person of that Profession will give a solid and judicious Resolution to them.

‘ *First, Sir Edward Coke*, in the third Part of his Institutes, writing of the High Court of Parliament, and of what Persons that Court consists, speaking of the Temporal Lords; as, Dukes, Marquisses, Earls, Viscounts, and Barons, who sit there by reason of their Dignities, which they hold by Descent or Creation,

An. 12. Cal. II.
1660.
November.

Ans 12. Car. II. 1660. *ation, saith, That every one of these, being of full Age, ought to have a Writ of Summons, ex debito Jusitiæ.*

November.

‘Where note, two Things are required to the Legality of their Session in Parliament.

‘*First*, That they be of full Age; and if that be a Qualification legally required of Peers, (for it will easily be granted to be most absurd and unjust, that they that have not Power by Law, as all Infants under Age have not, to dispose of any Part of their own Estates, or to make one legal Act to that Purpose, that such should have a Share in the Supreme Power to judge, vote, and dispose of the Estate and Authority of the whole Kingdom) I say then, by Rule of Proportion, that it is a Qualification as necessarily required of the Commons upon the said Consideration: And it were happy for this Nation, therefore, that it were better looked after for the future, that so those Mischiefs may be prevented which too often ensue to the Public, by bringing such green Heads into so wise and grave a Council.

‘*Secondly*, ’Tis required to their legal Session in Parliament, that the said Lords have Writs of Summons; which these, now sitting in this present Parliament, never had.

‘Next, The said Sir *Edward Coke*, in the fore-cited Place, saith, That the Commons, which he calls there the Third Estate of the Realm, consisting of Knights of Shires for Counties, Citizens of Cities, and Burgessees of Boroughs, they all are respectively to be elected by the Shires or Counties, Cities and Boroughs, by Force of the King’s Writ *ex debito Jusitiæ*: But the Commons of this present Parliament were not so chosen, but by Force of a Writ, in the Name of the Keepers of the Liberties of *England*.

‘*Thirdly*, He saith, That, at the Return of the Writs, the Parliament cannot begin but by the Royal Presence of the King, either in Person or by Representation. By Representation two Ways; either by a Guardian of *England*, by Letters Patent under the

Great

Great Seal, when the King is in remote Parts out of the Realm, or by Commission under the Great Seal of *England*, to certain Lords of Parliament, representing the Person of the King, he being within the Realm, in respect of some Infirmary. (See Sir *Edward Coke*, in his third Part of Institutes of the High Court of Parliament, concerning the Beginnings of Parliaments, p. 6.) But this Parliament began without the Royal Presence of the King, either in Person or by Representation.

An. 12. Car. II.
1660.
November.

‘*Fourthly*, That the Substance of the Writs of Summons must continue in their original Essence, without any Alteration or Addition, unless it be by Act of Parliament. (See the same Sir *Edward Coke*, in his third Part of Institutes of the High Court of Parliament, concerning Writs of Summons of Parliament, p. 10.) But how great an Alteration and Addition to the Substance of the Writs of Summons is this, to issue them forth in the Name of the Keepers of the Liberties of *England*, without the least Authority of Parliament; which, by the express Statute, ought only to be issued forth in the Name of the King.

‘And therefore, if there be any Weight in Mr. *Prynne*’s foresaid Argument, to null a Parliament, because of the King’s Death who called it, in regard the Writs of Summons were issued forth in the Name of that King deceased, with whom, by Name, the Members of Parliament were called to consult and advise, but now cannot, it will, I conceive, be no hard Question to resolve, (and it were good Mr. *Prynne* would undertake it without Partiality or Affection) Whether the Parliament doth not, *ipso Facto*, fall void, and all the Acts of it, further than they shall be confirmed by a lawful Parliament, which is not called by any Writs of the King at all, but only by Writs, as aforesaid, in the Name of the Keepers of the Liberties of *England*, (and by those Writs none but the Commons) with whom they are summoned to consult too about the Businesses of a Commonwealth, (which these Times have sufficiently taught us the Meaning of) and not with

An. 12. Car. II. the King, about the arduous Businesses of his Kingdom.

1660.

November.

• These premised Illegalities considered, in reference to this present Parliament, the legal Being and Capacity (as premised) of the Long Parliament, being supposed to be here totally waved, Whether is this a lawful Parliament, and capable to make legal and binding Acts? Or, having been declared a lawful Parliament by an Act by themselves, made since their Session with the King's Consent, whether can the King's Consent make them such, tho' otherwise unlawful in their Call, Principle, and Foundation?

• For I would put the Case the King should have come in while *Oliver's* or *Richard's* Parliaments had been sitting, to which the Lords, (as now) should have presented themselves without Writs of Summons, and his Majesty, under that Constitution, should have consented to a Bill to grant them a lawful Parliament; would that at all have made them so, under such a Constitution? Can that which is unlawful in itself, and contrary to the Fundamental Constitutions of the Nation, be made lawful barely by the King's Consent?

• Which, if it shall be pleaded in the Affirmative, (tho' I very much question whether any understanding Lawyer will venture his Reputation on it) I shall desire then to be instructed in a better Argument to make good the lawful Being and Authority of the Long Parliament; for surely, if a Parliament be lawful meerly because of the King's Consent, passing an Act for that Purpose, tho' otherwise utterly unlawful in its Call and Foundation, then doubtless that Parliament is much more lawful, and in its legal Being, that was founded upon a lawful Call, and had the King's Consent to an Act to authorize it to continue till they dissolve themselves by an Act: And if that be still a lawful Parliament, then I am sure, upon that Account, this can be none, nor no other till that be legally dissolved.

• To which there is this further to be added, concerning the Intentions generally of the whole Nation, in reference to this Parliament, by the best Information

formation I can gather, That it was never in the least meant that these should sit to pass Acts as a lawful Parliament, which was only like to prove a Snare to the People, as other Parliaments of the like Nature, so called, have done, thro' the Disputableness and Unwarrantableness of their Authority: But only that, for the present Necessity, they might bear the Face of Parliamentary Authority, for preserving the Peace of the Nation, till his Royal Majesty, that now is, might be happily restored, the Kingdom panting after him as their only Means of Settlement; and so soon as that was effected, then to dissolve, in order to the sending forth his Majesty's Royal Writs of Summons for calling a Parliament, according to the antient Custom and Fundamental Constitution, (the old Parliament being first legally dissolved) that so all Things might return again into a legal and uncontrovertable Way of Proceedings, to the Quiet of all Men's Minds, and Satisfaction of the whole Kingdom, who are sufficiently weary of the Mischiefs of irregular Actings by illegal Authorities.

An. 12. Car. II.
1660.
November.

Conclusion. If the Power of the Sword, or other arbitrary Proceedings, do not interpose to interrupt free Debates, and the Course of Law and Justice, (which the Author hopes there is now no Cause to fear as formerly) all Estates and Degrees in the Nation having sufficiently seen the Inconvenience, and tasted the Smart of such unrighteous Actings, he doubts not, upon a serious Consideration of the foregoing Arguments, (if Men will lay aside Passion and Self interest) but that right Foundations will shortly again be restored; that knowing our Ground-work to be sure and unquestionable, the Subjects of all Sorts in the Kingdom may, with all Safety and Cheerfulness, submit to, and act under, the lawful Powers in being, every one sitting in Peace under his own Vine and Fig-Tree, blessing the God of his Salvation; which is daily the Author's earnest and most hearty Prayer.'

An. 24. Car. I. MISCELLANEOUS TRACTS,
1648.

January.

BUT RELATIVE TO

PARLIAMENTARY PROCEEDINGS.

IT having been objected to the Compilers of this History that they omitted printing the Warrant for executing King *Charles* the First in its due Place, since it was certainly an Act of a garbled House of Commons, if not of the whole; we think proper to give it here, along with the Preambles to two Acts of the Convention Parliament, that restored his Son and Successor, without any other Comment or Animadversion upon them:

At the High Court of Justice for the trying and judging of CHARLES STUART, King of England, January 29, Anno Dom. 1648. ^w

The Bloody
Warrant.

*W*Hereas Charles Stuart, King of England, is and standeth convicted, attainted, and condemned, of High Treason, and other high Crimes, and Sentence upon Saturday last was pronounced against him by this Court, to be put to Death, by the severing of his Head from his Body, of which Sentence Execution yet remaineth to be done: These are therefore to will and require you to see the said Sentence executed in the open Street before Whitehall, upon the Morrow, being the Thirtieth Day of this Instant Month of January, between the Hours of Ten in the Morning and Five in the Afternoon of the same Day, with full Effect. And for so doing this shall be your sufficient Warrant. And these are to require all Officers and Soldiers, and other the good People of this Nation of England, to be assisting

^w From an Engraving of the Original, now in the Custody of the House of Lords, and published by the Antiquarian Society, 1750.

A P P E N D I X. 211

ing unto you in this Service. Given under our Hands An. 24. Car. I.
and Seals. 1648.

January.

To Colonel *Francis Hacker*, Colonel *Huncks*,
and Lieutenant-Colonel *Phayre*, and to every
of them.

JO. BRADSHAWE.	HENRY MARTEN.
THO. GREY.	VINCENT POTTER.
O. CROMWELL.	WM. CONSTABLE.
EDW. WHALLEY.	RICH. INGOLDSBY.
M. LIVESAY.	WILL. CAWLEY.
JOHN OKEY.	JO. BARKSTEAD.
J. DANVERS.	ISAAC EWER.
JO. BOURCHIER.	JOHN DIXWELL.
H. IRETON.	VALENTINE WAUTON.
THO. MAULEVERER.	SIMON MAYNE.
HAR. WALLER.	THO. HORTON.
JOHN BLAKISTON.	J. JONES.
J. HUTCHINSON.	JOHN PENNE.
WILL. GOFF.	GILBT. MILLINGTON.
x	G. FLEETWOOD.
PE. TEMPLE.	T. ALURED.
J. HARRISON.	ROBT. LILBURNE.
J. HEWSON.	WILL. SAY.
HEN. SMYTH.	ANTH. STAPLEY.
PER. PELHAM.	GRE. NORTON.
RI. DEANE.	THO. CHALLONER.
ROBERT TICHBORNE.	THO. WOGAN.
J. HAMMONDE.	JOHN VENN.
DANIEL BLAGRAVE.	GREGORY CLEMENT.
OWEN ROWE.	JO. DOWNES.
WILLIAM PERFOY.	THO. WAYTE.
AD. SCROPE.	THO. SCOTT.
JAMES TEMPLE.	JO. CAREW.
A. GARLAND.	MILES CORBET.
EDM. LUDLOWE.	

The

x This Name is not legible in the Original. Several more of them
are very difficult to read ; prqbably by Design.

An. 12. Car. II. *The PREAMBLE to an ACT for a perpetual ANNI-
 1660. VERSARY THANKSGIVING on the 29th Day of
 May.*

Preamble to the
 Act for the 29th
 of May.

FOrasmuch as Almighty God, the King of Kings, and sole Disposer of all earthly Crowns and Kingdoms, hath, by his all-swaying Providence and Power, miraculously demonstrated, in the View of all the World, his transcendent Mercy, Love, and Graciousness, towards his Most Excellent Majesty *Charles the Second*, by his especial Grace, of *England, Scotland, France, and Ireland*, King, Defender of the true Faith; and all his Majesty's loyal Subjects of this his Kingdom of *England*, and the Dominions thereunto annexed, by his Majesty's late most wonderful, glorious, peaceable, and joyful Restoration to the actual Possession and Exercise of his undoubted Hereditary, Sovereign, and Regal Authority over them, (after sundry Years forced Extermination into foreign Parts, by the most traiterous Conspiracies and armed Power of usurping Tyrants and execrable perfidious Traitors) and that without the least Opposition or Effusion of Blood, through the unanimous, cordial, loyal, Votes of the Lords and Commons, in this present Parliament assembled, and passionate Desires of all other his Majesty's Subjects; which inexpressible Blessing, by God's own most wonderful Dispensation, was compleated on the twenty-ninth Day of *May* last past, being the most memorable Birth-Day, not only of his Majesty, both as a Man and Prince, but likewise as an actual King, and of this and other his Majesty's Kingdoms, all (in a great Measure) new-born and raised from the Dead on this most joyful Day, wherein many Thousands of the Nobility, Gentry, Citizens, and other his Lieges of this Realm, conducted his Majesty unto his Royal Cities of *London* and *Westminster*, with all possible Expressions of their public Joys and loyal Affections, in far greater Triumph than any of his most victorious Predecessors, Kings of *England*, returned thither from their foreign Conquests: And both his Majesty's Houses of Par-
 liament,

liament, with all dutiful and joyful Demonstrations of their Allegiance, publickly received, and cordially congratulated his Majesty's most happy Arrival, and Investiture in his Royal Throne, at his Palace at *Whitehall*. Upon all which Considerations, this being the Day which the Lord himself hath made, and crowned with so many public Blessings and signal Deliverances, both of his Majesty and his People, from all their late most deplorable Confusions, Divisions, Wars, Devastations, and Oppressions, to the End that it may be kept in perpetual Remembrance in all Ages to come, and that his Sacred Majesty, with all his Subjects of this Realm, and the Dominions thereof, and their Posterities after them, might annually celebrate the perpetual Memory thereof, by sacrificing their unfeigned, hearty, public Thanks thereon to Almighty God, with one Heart and Voice, in a most devout and Christian Manner, for all these public Benefits received and conferred on them upon this most joyful Day; be it therefore enacted, &c.

An. 12. Car. II.
1660.

The PREAMBLE to an ACT for the Attainder of several Persons guilty of the horrid Murder of his late Sacred Majesty King Charles the First.

IN all humble Manner shew unto your Most Excellent Majesty, your Majesty's most dutiful and loyal Subjects the Lords and Commons in Parliament assembled, That the horrid and execrable Murder of your Majesty's Royal Father, our late most gracious Sovereign *Charles the First*, of ever blessed and glorious Memory, hath been committed by a Party of wretched Men, desperately wicked and hardened in their Impiety; who, having first plotted and contrived the Ruin and Destruction of this excellent Monarchy, and, with it, of the true Reformed Protestant Religion, which had been so long protected by it, and flourished under it, found it necessary, in order to the carrying on of their pernicious and traiterous Designs, to throw down all the Bulwarks and Fences of Law, and to subvert the very Being and Constitution of Parliament, that so they might,

at

An. 12. Car. II.
1642.

at last, make their Way open for any further Attempts upon the Sacred Person of his Majesty himself; and that, for the more easy effecting thereof, they did first seduce some Part of the then Army into a Compliance, and then kept the rest in Subjection to them, partly for Hopes of Preferment, and chiefly for Fear of losing their Employments and Arrears, untill by these, and other more odious Arts and Devices, they had fully strengthened themselves both in Power and Faction; which being done, they did declare against all Manner of Treaties with the Person of the King, even then while a Treaty, by Advice of both Houses of Parliament, was in Being; remonstrate against the Houses of Parliament for such Proceedings; seize upon his Royal Person, while the Commissioners were returned to the House of Parliament with his Answer; and, when his Concessions had been voted a Ground for Peace, seize upon the House of Commons, seclude and imprison some Members, force out others, and there being left but a small Remnant of their own Creatures, (not a tenth Part of the whole) did seek to shelter themselves by this weak Pretence, under the Name and Authority of a Parliament, and, in that Name, laboured to prosecute what was yet behind and unfinished of their long-intended Treason and Conspiracy: To this Purpose they prepared an Ordinance for erecting a prodigious and unheard-of Tribunal, which they called *An High Court of Justice*, for Trial of his Majesty; and having easily procured it to pass in their House of Commons, as it then stood moulded, ventured to send it up from thence to the Peers then sitting, who totally rejected it; whereupon, their Rage and Fury increasing, they presume to pass it alone, as an Act of the Commons, and in the Name of the *Commons of England*: And having gained the Pretence of Law, made by a Power of their own making, pursue it with all possible Force and Cruelty, untill at last, upon the 30th Day of *January*, 1648, his Sacred Majesty was brought unto a Scaffold, and there publicly murdered before the Gates of his own Royal Palace.

And

‘ And because, by this horrid Action, the Prote-
stant Religion hath received the greatest Wound
and Reproach, and the People of *England* the most
insupportable Shame and Infamy, that it was possible
for the Enemies of God and the King to bring upon
us, whilst the fanatic Rage of a few Miscreants (who
were as far from being true Protestants as they were
from being true Subjects) stands imputed by our
Adversaries to the whole Nation: We therefore,
your Majesty’s said dutiful and loyal Subjects, the
Lords and Commons in Parliament assembled, do
heresby renounce, abominate, and protest against
that impious Act, the execrable Murder, and most
unparallel’d Treason, committed against the Sacred
Person and Life of our said late Sovereign, your Ma-
jesty’s most Royal Father, and all Proceedings tend-
ing thereunto; and do beseech your most excellent
Majesty, that it may be declared, and be it hereby
declared, That, by the undoubted and fundamental
Laws of this Kingdom, neither the Peers of this
Realm, nor the Commons, nor both together, in
Parliament or out of Parliament, nor the People col-
lectively or representatively, nor any other Persons
whatsoever, ever had, have, hath, or ought to have,
any coercive Power over the Persons of the Kings of
this Realm. And for the better Vindication of our-
selves to Posterity, and as a lasting Monument of
our otherwise inexpressible Detestation and Abhor-
rency of this villainous and abominable Fact, we do
further beseech your most excellent Majesty that it
may be enacted, &c.

An. 12. Car. II.
1642.

In

In the Preface to the first Volume of this History, Page 7, and 8, Mr. Secretary *Rushworth* is charged with several Omissions, and, we doubt, wilful Prevarications, in his *Historical Collections*; many of which have been proved upon him in the succeeding Volumes of this Work. That other Writers were likewise doubtful of Mr. *Rushworth's* Veracity, the following Extracts from authentic Testimonies will shew. The Two Letters were transcribed from Originals, which were sent to the Rev. Dr. *Nelson*, whilst he was publishing his, what is there called, *Impartial Collections*, &c. meant as a Detection of *Rushworth's* Errors, about the Year 1680; two Volumes of which were only printed, for the Doctor did not live to finish the whole, which these Letters were designed to assist him in. But first we think proper to reprint Mr. *Rushworth's* Dedication to the then Protector *Richard Cromwell*, prefixed to the first Edition of his Collections; but which was prudently omitted in the Second, published long after *Rushworth's* Death, and of which the Reader will find a fuller Account in the succeeding Letters.

To his Highness RICHARD, LORD PROTECTOR of the Commonwealth of England, Scotland, and Ireland, and the Dominions and Territories thereunto belonging.

May it please your Highness,

Rushworth's Dedication to Richard Cromwell.

THE poor Widow came far short of others in her Offers into the Treasury, and yet, when she had given her two Mites, she had given all she had. I must fall short of her: She gave of her own, (for the two Mites appear to have been so) but such is the Weakness of my Condition, and the Nature of this ensuing Discourse, that I neither can, nor shall herein, present to your Highness any Thing of my own. The Words, Actions, and Atchievements herein related, belong all to other Persons; and I can challenge but the bare Representation, and the moulding them into such a Body wherein they now appear: A Body not of so compleat

pleat a Shape or Pourtraiture, as may be worthy your Highness's Aspect.

It's not amiss for Princes to hear of and read the Actions or Miscarriages of Princes; nay, of lesser Persons; indeed they can hardly set more useful Books before their Eyes. It is hard for the Pilot to escape, unless he hath first discovered those Shelves and Rocks upon which others have been split: What is that we call Prudence or Policy, but a System of Observations and Experiences deducted from other Men's Principles, Practices, Purposes, and Failings?

As to the Matter contained in this Story, relating to arbitrary Courses given Way unto by former Princes, I shall make bold to use the Expression of an eminent Person in his Time, spoken in full Parliament at the Trial of the Earl of Strafford; who, speaking of an Endeavour that had been used to subvert the Laws, and to introduce arbitrary Government, has, among other Passages, this Observation, "There is, in this Crime, a Seminary of all Evils hurtful to a State, and, if you consider the Reasons of it, it must needs be so. The Law is that which puts a Difference betwixt Good and Evil, betwixt Just and Unjust: If you take away the Law, all Things will fall into Confusion, every Man will become a Law to himself; which, in the depraved Condition of human Nature, must needs produce many great Enormities; Lust will become a Law, and Envy will become a Law; Covetousness and Ambition will become Laws; and what Dictates, what Decisions, such Laws will produce, may easily be discerned. The Law is the Safeguard, the Custody of all private Interest; your Honours, your Lives, your Liberties, and Estates, are all in the keeping of the Law; without this every Man hath a like Right to every Thing: What can be more hurtful, more pernicious, than arbitrary Power &c.?" Thus far that Gentleman. Your Highness will find here the Mention of a great Prince, who was wont to say, He was an old experienced King, and to him belonged the Calling, Sitting, and Dissolving of Parliaments; and he publicly said (I speak in his own Phrase) "That he had broke the Neck of three Parliaments," yet
at

at last he did comply with his last Parliament, and said, "He saw he should be in Love with Parliaments, having understood many Things by them, which, otherwise, he should never have known."

Moreover here you will have, in View, a succeeding Prince, who also broke three Parliaments one after another; and how fatal that was to him succeeding Times have abundantly declared. The Observation is not mine, but of much more antient Date; those Princes who did most consult with their People in Parliament (that being the Common Council of the Nation) have most prospered in their Courses, there being both Safety and Love gained from such Counsellors and Councils. And Parliaments, in the Nature of them, are good Physic to cure and redress the Diseases and Distempers of the Body Politic, which mostly grow and overflow in the Intervals of them; yet many think Parliaments are but an ill constant Diet, which certainly moved Queen Elizabeth, of famous Memory, who was well acquainted with the Constitutions of the Body of this Nation, to call Parliaments frequently, but to continue none very long. By this Means she wrought herself into the good Opinion of her People; and, by becoming the Mistress of their Affections, she also became, in some Sort, the Mistress of their Purposes, which were always opened unto her upon the just and urgent Occasions of the Nation; but the Help and Aid which comes from the People by Strains, contrary to the Laws of the Nation, and Liberties of the People, being drawn from them through Fear, wants the Perfume of a willing Heart, and has no longer Continuance than whilst the Impression of that Fear lasts. But few Words are best to Princes; vouchsafe your Highness Pardon to him who thus presumes to make so mean an Oblation at so high an Altar; your good Acceptation will be the greatest Honour to it, and to

Your Highness's humblest

and most obedient Servant,

JOHN RUSHWORTH.

For

For the Rev. Dr. NALSON, at the Sign of the Ship
in St. Paul's Church-Yard.

S I R,

January 30, 1681.

‘NOT having observed any Notice taken of the ^{A Letter on} two different Impressions of Mr. Rushworth's ^{Rushworth's} first Volume of Collections, either by Dr. Franklyn ^{Collections.} or yourself, in your late Collections, I have transcribed some few Variations, which occurred to me in a transient Collation of the two Editions, chiefly to excite others of more Leisure to a closer and more narrow Inspection. Not many Years ago the *Historical Collections* crept out in a stolen Edition; but, the better to prevent any Discovery, with the old Title Page exactly; so that still the pretended Year is 1659. In this Edition (which I shall call the Second) you will find these following Omissions:

1. ‘Epistle Dedicatory to *Richard* totally left out, it not being any Advantage to the Reputation of the Collections to have it known to Posterity, that they were tendered by the Author as *a mean Oblation to the High Altar* of the late Protectorship. (Wherever you meet with any Clause in *Italic* the Words are Mr. Rushworth's)

2. ‘In the Preface, *Secrets of State, and (which are the Words of an Act of Parliament) the Deportment of a Prince, wisely dissimulating with his People,* left out in the second Edition.

3. ‘In ditto, *If any one engaged on the King's Side come forth in Print with the like Moderation,* and six Lines farther, totally left out in the second Edition.

4. ‘I have but one Word to say to my good and worthy Friends of the Army, and that must be by Way of Apology, that this contains not what may be expected by them from me, the Relation of the Motions, Actions, and Atchievements of the Army, which I acknowledge was the first Thing in my Thoughts and Intentions; but, upon farther Consideration, I found it necessary to look backward, that we may the better understand the Causes
VOL. XXIII. X and

‘ and Grounds which brought the late War upon
 ‘ us, before we set forth the Actions in the War.
 ‘ In the former we may see the Vigilancy and Care
 ‘ of our Ancestors, to secure and uphold our Liberty
 ‘ and Property, and to transmit the same, in as much
 ‘ Purity as might be, to their Posterity. In the lat-
 ‘ ter, which are the Actions of the War, we shall
 ‘ see their Courage and Magnanimity setting an
 ‘ *higher Value upon the Rights and Liberties of the*
 ‘ *Nation, than upon their own Lives.* Whom there-
 ‘ fore, when I come in Order of Time to mention,
 ‘ and shall also have Occasion to magnify *for their*
 ‘ *Perseverance in maintaining and defending those*
 ‘ *Laws and Liberties, (so redeemed with the Price of*
 ‘ *their Blood)* against arbitrary Ways and Courses,
 ‘ *how joyful shall I be to employ my Pen to chronicle*
 ‘ *such of their Names to Posterity, who justly merit*
 ‘ *that Character, as worthy of double Honour?* All
 ‘ this, in *Italic*, omitted in the second Edition.

5. ‘ In ditto, *Such private Consultations, such*
strange Contrivances, discovered by Papers, Letters,
and Cabinet-Memorials, seized on in the Time of War.
 Omitted in the second Edition.

6. ‘ Page 156, *Uncle to that valiant, victorious, and*
self-denying General, Thomas Fairfax, late Commander
in Chief of the Parliament’s Armies in England. Left
 out in the second Edition.

7. ‘ Page 164, *But, alas, good King! Here was an*
End of his earthly Empire, and little did he imagine
that the last Period to Great-Britain’s Monarchy
should not much exceed the Time of his own Reign, and,
in the true Extent, come short of it. Omitted in the
 second Edition.

8. ‘ Ibid. *There is a Book said to be writ by a*
Knight of Kent, and intituled, King James’s Court,
which renders a farther Character of that King. We
forbear particularizing any thing thereof, (no Name
being put to the Book) but leave the Reader to his
Freedom. Left out in the second Edition.

‘ Upon perusing these Alterations it is sufficiently
 evident, that these Passages were not omitted out of
 Regard to the Government, but to the Author,
 since

Since the less his Design appears, the more Credit and Authority is gained to the Book. The Poison passes unsuspected, and the Writings look the more impartial, notwithstanding the Book, as to the Substance, continues as pestilent and pernicious as before. Variety of Reflections might be made, but I shall only remark that, in the second Omission, he dignified a *Remonstrance* with the Style of an *Act of Parliament*, wherein, tho' the King stands accused of Diffimulation, yet the Hypocrisy of his Enemies will render them infamous to all Ages.

' In the Third he owns himself not to be of the King's Party, and bids Defiance to any to come forth and answer.

' In the Fourth he doth publicly declare and own his Intent and Design to be for the Honour of his good Friends the Army, which, certainly, at the Time of his writing, had run through the whole Circle of Villainy, Treachery, and Falseness. What Justice the Cavaliers and Royalists may expect from Mr. *Rushworth's* Pen, you may easily conclude, when he calls the Rebellion *setting an high Value upon the Rights and Liberties of the Nation, the redeeming of the Laws, and worthy of double Honour. And this to be recorded with Joy in his Chronicle of their Actions.* In omitting these Passages in his second Edition, none certainly will suspect his Prudence, though the Fifth might have been continued, since the Effects of those Consults are still both *strange and private* to inquiring Men.

' The sixth Omission is altogether as seasonable, since that Remark might only have reminded us, that both our Author's Master and himself signed (as the latter, in all Probability, also penn'd) that bloody and traiterous Remonstrance from *St. Alban's*.

' It is highly probable that the seventh was Mr. *Rushworth's* own Opinion, as well as Mr. *Wilson's*, as if the Author neither wished or imagined the Restoration of King *James's* Issue.

' The eighth Omission is likewise as proper for his Purpose, since it was only too plain an Instance

of his Partiality against King *James*, by referring the Reader to so infamous and scandalous a Libel; tho' (if *Saunderson* speaks true) Sir *Anthony Weldon*, the Author, repented of it on his Death-Bed. And lest it should be pretended that these Passages were put out by the Printer, without the Author's Knowledge; besides the Improbability of the Supposition, we may easily perceive that it was the Evasion and Finesse of our Author, since it cannot be denied but that there are also Additions of three very considerable Speeches in this second Edition, very much to the Honour of the Government, viz. Page 481, Sir *John Finch's* Speech, with two of the Lord-Keeper's; wherein the Notion of the Three Estates is not obscurely hinted. The common Mistake of which hath been the Occasion of its being demonstrated, beyond all Exception, by the admirable Author of the *Grand Question*; to which shall be added what is not there observed, (if my Memory deceive me not) viz. Two Evidences in *Queen Elizabeth's* Reign; the one at Page 173 of *Parrow's Collections*, in a Proclamation against seditious Books, are these Words: *Prelacy being one of the antient Estates of this Realm under her Highness*. And in another, Page 201, of the same Author, *Consensu trium Regni nostri Statuum*; to which may be subjoined the Papers of the 5th of *November*, according to the present Alteration, (for the Words were otherwise in King *James's* Time) in the Communion Service, instead of the Collect for the Day. The Words likewise of the 37th Article of Religion seem evidently to import as much, by declaring the Queen's Majesty Governor of all Estates, whether *Ecclesiastical or Civil*.

' Sir, I beg your Pardon both for my Officiousness and Length, and refer all to your mature Judgment, as being,

S I R,

Your unknown Friend,

And humble Servant.

*Extract of a LETTER from Mr. JOHN LAUGHTON,^a
Librarian of Trinity-College, Cambridge, to the
Rev. Dr. Nalson.*

Honoured Sir,

August 2, 1681.

‘ I Must confess that, at the Sight of your last kind Another on the same. and most obliging Letter, I could not but blush, and be heartily ashamed, having so long ago raised your Expectation, by promising to give Assistance to that Work so beneficial to the Public, which you have so generously undertaken. I am extremely sensible that all I could contribute towards it is so little, that it ought either to have been done sooner, or more fully performed.

‘ For I find, after all, (to my great Trouble and Regret) that I must, of Necessity, have Recourse to that Shift of making Apologies, or begging your Pardon, since what I now send you so late, will, I fear, amount to little less than a Disappointment.

‘ I have several Times read over Mr. *Rushworth’s* first Volume, and thereupon had resolved to proceed, in his Method, to detect the Malice and Partiality of his Collections.

‘ Considering with myself what the whole Drift and Design might be, it seemed very plain and apparent to me, that it was no other, in general, than to vindicate the Rebel Long Parliament, but more particularly to gather up such Materials as might somewhat justify, and give some Colour, to all the Lies and Calumnies contained in that accursed Declaration of *Feb. 11, 1647*, wherein they express their Grounds and Reasons of their Resolutions to make no further Addresses to the King.

‘ His Master *Fairfax*, by bringing up the Army then to *London*, to terrify both City and Parliament, had the greatest Hand in contriving those traiterous Votes, and getting them to pass the House, which was the first and more immediate Step towards the Murder of the King.

‘ *Rushworth’s* Intention, I doubt not, but it was to palliate that horrid Villainy, so far as he himself,

X 3

‘ and

^a This Mr. Laughton was generally reputed a Whig in the University. Z. G.

and his Master, were concerned in it, by falsely representing and endeavouring to blacken the King.

‘ That Declaration contains all the Venom that was in *Bradshawe’s* Speech at his Trial, and in all the pestilent Libels after his Martyrdom.

‘ In the relating of all these Matters and Transactions, which are the Objects of the Declaration and Charge against his Majesty, it was my Design to shew *Rushworth’s* Fraud in perverting and concealing the Truth ; for which I have transcribed what several have writ in Defence of his Majesty, as to that Particular, and in Confutation to the Declaration.

‘ There are several Apologies for his Majesty printed in 1648, and a Book, said to be writ by Bishop *Bramhall*, intituled, *Εἰκὼν Ἀλλαστος*, in Answer to *Milton’s* *Εἰκονκλασις*, out of which, if *Rushworth* had been an honest Man, he might have given a more true and advantageous Account of the Treaty with *Spain*, and the Business of *Rochelle*, and the Death of King *James*, the Designs of the *German* Horse, Loans, &c. it being not the Part of a faithful Historian merely to record such Matters of Fact as may admit of a sinister Interpretation, without relating all the Circumstances which might easily vindicate the Persons therein concerned from being misunderstood or calumniated.

‘ But, on the other Side, how industriously doth he conceal many Things, ill said or done, by the Republicans ?

‘ He gives not the least Intimation how King *Charles* the Martyr was deserted and betrayed by the Parliament he called, in being engaged in a War with *Spain* ; how, instead of assisting him therein, and for the Recovery of the *Palatinate*, they would do nothing till all such Things, as they then accounted Grievances, were redressed.

‘ The Persons who had then a Design to perplex him, and disappoint his Majesty’s Affairs, are well disciplined by Dr. *Heylin*, in his Life of Abp. *Laud*, and others : Also the private Cabals that were held by the factious Party, concerning which you may find

find a Letter of Sir *Anthony Ashley's*, in the *Cabalæ of Letters*, Edit. Fol. p. 2. In the same *Cabalæ*, p. 277, there is a large Letter to the King *ab Ignoto*, giving a true Account of the Malecontents of several Sorts and Parties; which Letter Mr. *Rushworth* (as his Manner is) corrupts, by giving only an Epitome of it, quite disguising the Sense, and leaving out the Names of those Persons therein justly censured; and this he doth generally in his Parliamentary Debates, as it will plainly appear by comparing that imperfect Copy, which I have herewith sent you, (hoping it may be of some Use to you) with his Relation and Account of the Transactions of that Parliament which was assembled the 17th of *March*, 1627.

' You may observe, that those Speeches which express any Loyalty, and do but acknowledge his Majesty's Power and Prerogative, &c. are most of them condemned and suppressed by him, as impertinent, indeed, to his Design: He curtails some of them, and contracts others; the Reason whereof may soon be discerned upon Perusal.

' As for Instance, p. 68, 69, 71, of the MS. there are several Speeches of the King's Solicitor, and Sir *Edward Coke's* Answer to them, omitted. They should be inserted in *Rushworth*, p. 509.

' It is evident why they are left out: He would not let such a Blur remain on the Name of *Coke*, as to have been of one Opinion when he was a Judge, and in Favour at Court, and of another when a Patriot, and disgusted.

' *Coke's* true Character you may read in the fore-mentioned *Cabalæ*, writ to himself by the Lord *Bacon*, p. 88.

' But that Letter, which I before mentioned, *Cabalæ*, p. 277, gives so true a Representation of the State of Affairs at that Time, that, methinks, it would not be amiss to reprint it, with some Comment and Annotations upon it; towards which a Book, intitled, *Aulicus Coquinaria*, or an Answer to that virulent Slander of *Weldon*, called, *The Court and Character of King James*; together with Dr. *Heylyn's* Remarks upon *Fuller's*, *Saunderson's*, and *Ham-*

mon

mon L'Estrange's Histories, would sufficiently furnish out Materials.

^c But, above all, I cannot but recommend *Salmonet's Histoire des Troubles de la Grand Bretagne*^a, who, above all that I have yet read, gives the clearest and most exact Account of our Affairs, from the Year 1633, to the End of the Rebellion, 1649. *Paris, 1661, Folio*

^c Amongst the Libels which, after the Dissolution of the Parliament, *March 10, 1628*, were both contrived and dispersed by the Republicans, there was one called, *A Proposal for his Majesty's Service, to bridle the Impertinences of Parliaments, &c.* which *Mr. Rushworth* publishes in the Appendix, p. 12, to have it believed a real Design, and to be put in Practice; otherwise, Why did he not print it, together with the Attorney's Information, as it is in the Pamphlet I have sent you?

Mr. Arthur Charlet, of Trinity College, Oxon, his Papers concerning Rushworth's Collections.^b

*Mr. Charlet's
Notes on Rush-
worth,*

^c **W**HAT *Mr. Secretary's* Design was in writing cannot, I think, be doubted by any Man, who considers what his Character and Practices were in the late Rebellion, particularly in signing those bloody Remonstrances for putting the King to Death, and continuing Secretary to *Cromwell* after the disbanding of *Fairfax*; to this may be added, that any of his great Admirers may be defied to produce one single Passage, expressing the least Remorse or Penitence for his abetting and concurring in those wicked and impious Actions: This I confess cannot be Matter of Wonder to any Man that has read his Works; for there, not only thro' the whole Tenor of his Discourse, but, from the Epistle Dedicatory and Preface to his first Volume, it appears that his Intention

^a This Book was translated and published by Subscription, in *Folio, 1739*, intituled, *Salmonet of Monteib's History of the Troubles of Great-Britain*. Second Edition.

^b This, with the two preceding Letters, were communicated to the Compilers by the Rev. Dr. Z. Grey,

^c *Rushworth* was Secretary to *Fairfax* and *Cromwell*.

tention was to justify *the Army, whom he reckons worthy of double Honour*^e, and who then were guilty of as much Oppression, Bloodshed, and Tyranny, as was ever exercised by any Pagan insulting Soldiers. But to put it beyond the Question whose Interest he was to serve, *Whitlocke*, in his Memorials p. 666, records it to be undertaken by the Order of *Cromwell*, and to be allowed by himself, who was to furnish the Materials; in which Respect he seems to have been designed Historiographer to the Protector and his Army: This being considered, no Cavalier or Son of the Royal Party must expect to find any more Justice from his Pen, than was found formerly from his Master's High-Court of Justice, &c. Any Man may easily guess the Tendency of his Books, by the Principles and Actions of his Admirers, who are unanimously all the Dissenting and Republican Party; who, upon all Occasions, appeal to them as an Apology for their past and future Actions; yet it cannot be denied but, thro' the Diligence of the Faction, and the Popularity of his Pretences to write without Remark or Reflection, several unthinking, otherwise honest, Persons have been prevailed upon to give too much Credit and Countenance to Books that deserve neither Praise nor Regard upon any Respect: For, upon Examination, it will appear that his Exactness is not such as his great Admirers pretend, who usually recommend him upon that Topic as infallible, and to be relied on as most certain.

1. 'Articles of the Bishop of *Winchester*, upon which he makes groundless Reflections contrary to his Promise of none at all; he calls him, in the Margin, *Dr. Neal*; which is a Mistake both as to his Name and Title, it being only *Mr. Curle*, who was then Bishop.

Mistakes in
Rushworth.

2. ' *Noy's* Death is placed in the wrong Year, the Secretary giving the Reader several Speeches of his in the following Year.

3. ' The

* The Preface to the second Volume declares the Author's Design to be the same as in the first, and it is evidently a Libel against King *Charles the First's* Government, and looks like summing up of Evidence against him.

3. 'The Number of those that died of the Plague is false, if the Tables of Mr. *Graunt* are true. *Vide Graunt's Bills, and Hodges de Peste.*

4. 'Hobb's Recantation was two Years before the Time he mentions^f. These Mistakes, however small, yet prove him not so prodigiously exact as some represent.^g

5. 'Composition of Fines not truly recited according to *Prynne's Account.*

6. 'Sherfield fined 500 l.^h

'Protestation of *Irish Bishops* not in *Ann.* 1639, but 1636. Inquiry also may be made, whether his tedious Accounts made of the *Swedish Wars*, which take up some hundreds of Pages, be either useful or pertinent to his Design, having no Relation to *England*, nor any Authority for the Truth of them. Of the same Nature are most of his Star-Chamber Cases, and his many impertinent Accounts of the several Sums of Money raised by Shipwrights, and the unpardonable Monopoly of Soap-Boilers, mentioned, no less than seven Times at large. If his Books were truly examined, I believe more than 500 Pages would be found altogether *superfluous, frivolous, and impertinent*, of no Use, Benefit, or Pleasure.

'But however absurdly tedious the Secretary is in communicating so many insignificant and useless Relations, he has likewise omitted many considerable Papers, as *Felton's Dying Speech*; King *James's Declaration* of the Causes moving him to put *Rawleigh* to Death; *Sutton's Hospital*, *Spalatto's Case*, Lord *Herbert's Account* of the Siege of *Rochelle*; with several public Orders published then; the Emperor of *Morocco's Letter* to King *Charles the First*; the Prince Elector's Manifestoes printed in *England*; Archbishop *Usher's Speech* about Supremacy; King *James's Thanks*, Anno 1622, at the same Time when the Prince went to *Spain*; with many other public Papers altogether omitted, as
appears

^f Universal Register places it two Years before 1632.

^g Wood's Antiquities give a true Account of all the Recantations, none of which are related by *Rusſworth* at large, tho' so tedious in lesser Things.

^h Heylin's Life of *Cant.* p. 217, says 1000 l. the same by *Prynne* in his Trial of *Cant.* p. 103.

appears to any that shall consult other Histories of those Times.

‘ But certainly never was Promise worse kept than ^{Reflecting and} the Secretary’s, made at large in Capital Letters, in ^{partial.} the Title Page of his Book, That his Collections were only *Matters of Fact*, without *Observation* or *Remarks*ⁱ, there scarce being two Pages without some plain Reflections, or factious Insinuations; as, *Weston’s* being a Papist, Captain *Read* a great Incendiary in *Ireland*, and generally against *Laud*, Judge *Berkley*, &c. Papists favoured at *Canterbury*. Repairing of *St. Paul’s* he calls *the Devotion of those Times*, which indeed was different from that of his Master *Fairfax*, who turned the Church into Shops and Stables.

‘ Reflections upon the Star Chamber in general, and Bishop *Williams’s* Case in particular, whom, upon all Occasions, he favours. Lord *Balmewir’s* Case falsely and maliciously related. *Lindsey* seemed a moderate Churchman; with many more reflecting Characters dispersed throughout his Book.

‘ Declaration about Sports, censured as a Snare; but none more manifest than the Characters he gives of those Gentlemen that made popular and factious Speeches in the Long Parliament, which he has huddled together without any Order. Mr. *Waller* particularly complaining, in the last Edition of his Poems, of his Speech being mis-recited; so likewise the Characters of the several Managers of the Trial of the Earl of *Strafford*, which are contrary to his Promise of making no Reflections at all, and very partial in themselves; since certainly Justice and Truth would have required that Mention should have been made of *Hollis’s* being one of the five Members, as well as of his being created *Baron of Glyns*; *St. John* being Lord Chief Justice under *Cromwell*, as well as Serjeant under *Charles* the Second, &c. Upon the whole, he has very pleasantly given all the advantageous Characters to recommend their Speeches to be believed, and omitted every Thing that

ⁱ A great Part of *Rushworth* is verbatim taken out of *Canterbury’s* Doom, written by *Prynne*.

that may lessen the Credit of them, as of *Whitlocke, Hampden, St. John, &c.*¹

‘ Preface to *Strafford’s Trial*, he calls it a most *deliberate and solemn Trial*; whereas the Act of Parliament, at the End, terms all the Proceedings *tumultuous and irregular*. Excuses the *Rabble*, as being neither insolent nor terrible^m; herein, contrary to all the Accounts of those Times, the King’s Reflection upon the Murder of *Strafford*, and the Words of the Act of Parliament in reversing of it.

‘ The Paper posted up of *Straffordians* is a Trick of one of the *King’s Party*, as he words it himself. The enacting the Trial to be no Precedent, is insinuated as a vulgar Error.

‘ Reflection upon the Preface to the *Oxford Statutes*, false, malicious, and disingenuous, as also very imperfect, no Notice being taken of the great Care, Pains, and Deliberation in the compiling; its being exposed to public View a whole Year, before it was ratified either by the King or University, (*vide Wood’s Antiquities of the University of Oxford*) nor any Notice taken of the many Statutes providing the most effectual Means for securing the Protestant Religion in the University; as all Members, at their Entrance and taking Degrees, subscribe to the Thirty-nine Articles, and take the Oaths of Allegiance and Supremacy, &c.

‘ Besides the palpable and manifest Falsity of King *James’s* Speech, incomparably detected by Dr. *Nelson*, both the *Latin Sentences* are not critically given; which cannot easily be imagined to come from the Mouth of one reproached, even to a Fault, for a Grammarian and a Scholar.

‘ His Recital of the several Recantations, *Hodges, Thorne, &c.* for preaching against Arminianism, not fairly related; besides *Rainsford*, for preaching against the Calvinistsⁿ, totally omitted; of which he could not be ignorant, since he quotes the Register of the University;

¹ These Instances seem partly to deserve a Censure at large. *Vide Rushworth*, Part of the latter End of the Second Volume, and Beginning of *Strafford’s Trial*.

^m *Rushworth’s Trial of Strafford*, p. 42.

ⁿ *Vide Wood’s Antiquities*, and *Heylin’s Life of Laud*.

Univerſity; but his Reason for omitting it is very plain, ſince that would have diſcovered the Reason of the Punishment to have been not for preaching *againſt Arminianiſm*, but the *King's Proclamation*.

‘ Mr. *Ruſhworth* complains much of the Inter-miſſion of Parliaments for twelve Years, and the Miſeries attending it; it may partly be expected he will give a full Account of the Felicities attending the Seſſion of twelve Years next enſuing, likewise of the Correſpondence betwixt the *Scots* and *Engliſh*; the Intrigues of the Army (which he boasts to be well verſed in) in diſpoſing of the Commons, murdering the King, and ſubverting the Government. If he would give a true Account of thoſe Actions, he might poſſibly oblige Poſterity more than the Faction.

‘ As the Papists did in Queen *Mary's* Reign, the ſame did the Fanatics in the late Rebellion, Mr. *Prynne* having torn out of the public Register of the Univerſity three whole Folio Pages, containing an Account of his Expulſion from thence; which, tho’ ſeen, no Mention is made of it by Mr. *Ruſhworth*.

‘ The Accounts of the Trials of *Chancy*, *Sheffield*, *Troſſees*, maliciously repreſented, very different from the Accounts given by Dr. *Heylin*.^r Groſs Reflection upon the *Scots* Liturgy, as favouring Tranſubſtantiation, &c. &c.

In

^r *Vide Laud's Trial*. 'Tis ſaid a large Manuſcript Narrative of theſe Trials is at *Lambeth*, which, if ſo, muſt needs give great Light to many public Paſſages.

In the Preface to the ninth Volume of this History we mention Dr. *Nalson's Historical Collections*, which we there say are not carried down lower than *January 1641*. The Author was prevented from pursuing his Design by Death; but what his Intentions were, in going on with his Work, we have met with in a Plan laid down by himself, in a MS. Collection of original Letters and other Papers. It is in the Doctor's own Hand-Writing, and seems to be a rough Draught of a Letter address'd to some Friend, not there named; but is, however, worthy of a Place in this Appendix, together with a Sketch of a Design for engraving a Plate intended as a Frontispiece to the Doctor's next Volume.

S I R,

Dr. *Nalson's*
Scheme for writing his next Volume.

I Do intend, in my next Tome, to treat of the four Years Civil War, (if so fair a Name may be given to so foul a Rebellion, against so pious a Prince as was King *Charles the First*) in pursuance of which I desire your Favour and Friendship to me, to bring me to wait upon the Earl of *Macclesfield*^a, who is the surviving General Officer of his Majesty's Party, and was Lieutenant-General of all the Horse of *England*; by whose Help I may give Directions for the drawing up of the most decisive Battles, which I will have printed of the best Copper-Plates that can be in this Town engraven.

As I shall take Care to premise the Reason why that good King did pass that Act of Parliament, which divested his Majesty of the Power of dissolving the two Houses; why he left *London*, and what can fairly be made out of the Plot, which the two Houses then had, of seizing into their Hands the Prince of *Wales*, which was the principal Motive of the King's going away with him; *Hotham's* insolent refusing the King Entrance into *Hull*, answering, That he held that Town for the Parliament, which was flat Rebellion, and carried the Nature of the first Act of Hostility, be-

^a This Earl of *Macclesfield* was *Charles Lord Gerard*, created Earl, 31 *Charles II.* 1679.

before the King set up his Standard; of the Earl of *Essex's* firing several Pieces of Cannon at *Edge-Hill*, before the King's Army made any Shot either great or small, which will make him the Aggressor in that fatal Story: So I labour also to be fully satisfied from whence the Miscarriages of the King's Army did arise. On one Hand the Soldiers do blame the Counsels of those great Men who then sat at the Helm of public Affairs, who were not skilful enough to direct the Management of so great a War; that their Orders in the first *Newbury* Fight, occasioned by *Essex's* relieving *Gloucester*; in the Battle of *Marston* Moor, after Prince *Rupert* had raised the Siege of *York*; of *Naseby*, when *Oxford* was block'd up; of *Chester*, to the Relief of which the King went in Person, were contrary to the Judgment of the Soldiers. Also that the Commissioners had full Power, in the respective Counties and Provinces all over *England*, to control the Soldiers, and to give them Rules for their Conduct of the War, leaving them no other Power than what the Opinion or Vote of a Governor of a City Colonel, or General of a Province, against ten or a Dozen Commissioners, might amount unto, whose Principle was the saving of their respective Towns and Counties; alledging, That if every Province would take the same Care, the whole Kingdom would be secured; whereas the Soldiers Counsel was, the making them only Nurseries for the furnishing out of Troops to oppose those Armies, which every Campaign was sent out of *London* against the King. On the other Hand, there are great Faults charged upon the Soldiers Debauchery, Negligence, Rashness, and chiefly that most unhappy Defection at *Newark*, as if that was the fatal, irreparable Blow to the King; concerning which I am informed that his Majesty's Force was not lessened one single Man, other than by the Loss of 1500 Horse, the better Half of which was then left to the King, which, upon that Occasion, the Earl of *Bristol*, Principal Secretary of State, did lead away from *Newark*, on Pretence of fetching the Infantry of the valiant Marquis of *Montrose*, out of the Highlands

lands in *Scotland*, utterly against the Opinion and Counsel of the Soldiers, who declared to the King the Impossibility of the Undertaking, as it proved by their Defeat, and so total a Rout, that not one Troop of them ever rallied again, the Earl of *Bristol* escaping into *Ireland*, and never seen more during the War; Prince *Rupert* continuing obediently with his Majesty at *Oxford*, and making most advantageous Conditions for his Majesty's Privy Counsellors, in the Surrender of that City.

‘Sir, altho’ I would not be so troublesome to my Lord of *Macclesfield* as to inquire into every little Engagement, tho’ there was great Valour shewed in the least of them, and worthy and brave Men both of the Nobility and Gentry engaged, whose Names, in Justice, ought to be left down to Posterity, yet I would be exact, beyond Control, in the general Point of the War, and the Events of the four Campaigns; and I will so far burden you with the Length of this Paper, as to let you see I am Master of the whole Design.

August, 1642.

‘The King set up his Standard at *Nottingham*, calling all his loyal Subjects to his Assistance, and from thence marched to *Shrewsbury*, where he raised that Army with which he fought *Essex* at *Edge-Hill*. After his Victory, there obtained, he marched from thence to *Oxford*, leaving the Earl of *Macclesfield* Governor, who had been wounded at *Edge-Hill*. In that Battle he commanded a Terze of the Infantry; his Majesty marched towards *London*, the Citizens meeting him at *Brandford* to interrupt his March, forced him to retreat back to *Oxford*, which he fortified, and made his Winter-Quarters. All the Summer after the setting up the Standard, Levies had been making throughout the Kingdom by the Duke of *Newcastle*, Earl of *Derby*, &c. on the North Side of *Trent*, by Commissions of Array for the King against *Fairfax* and others, who acted by Ordinances of Parliament; and, in the West, by the Marquis of *Hertford*, Lord *Hopton*, *Greenville*, *Strangways*, *Dorrington*, *Stowel*, &c. against the Earl of *Stamford*, Earl of *Bedford*, *Waller*, *Hastilrigge*, *Holles*, &c.

So were both Parties very active, all the Winter, In raising Regiments and Troops, and forming their Armies against the next Campaign; with this Disadvantage to the King, that the populous and rich City of *London*, and the ten adjacent Counties, *Huntingdon*, *Cambridge*, *Norfolk*, *Suffolk*, *Essex*, *Kent*, *Surrey*, *Middlesex*, *Hertford*, and *Bedford*, were associated entirely for the two Houses against him.

‘The King was very successful; the Duke of *Newcastle* had beaten *Fairfax*, leaving him only seventeen broken Troops of Horse, into *Hull*; the West was reduced to his Obedience, except *Bristol*, *Gloucester*, *Plymouth*, and two or three Sea-port Towns; the Queen was landed at *Bridlington*, out of *Holland*, with great Stores of Cannon and Arms both for Horse and Foot; a considerable Sum of Money was conveyed from thence, with a very compleat Army, well appointed, tho’ but small, and a very great Train and Quantity of Ammunition, proportionable for the Supply of his Majesty’s Armies and Garrison, to *Edge-Hill*, where the King most joyfully met her; of which Army the Earl of *Macclesfield* was Lieutenant-General, and so recommended by the Queen to his Majesty, that he was thereupon put into the Head of a Brigade of Horse, to which he immediately marched, and joined his Brigade to other Troops of the King’s Army, to besiege the City of *Bristol*, which Prince *Rupert* took, in entering the Line, by Assault; upon which the Rebels treated, and gave up the Town.

‘Whereupon it was discoursed as if his Majesty would a second Time march to *London*, and appoint the Duke of *Newcastle* to meet him there, whose Army had already passed the *Trent*, and was advanced as far as *Lincoln*, the Rebels having no Army in the Field, either in the North or West of *England*; when, on a sudden, new Counsels were taken, the King sat down before *Gloucester*, and the Duke of *Newcastle* repassed the *Trent* and besieged *Hull*; which two Sieges were very fatal to the King.

‘For the Rebels putting great Stress upon the Relief of *Gloucester*, set out a stout Army under the

1643.

Command of *Essex*, inforced with great Numbers of the Citizens of *London*, who fought with his Majesty the first Battle of *Newbury*, in which the Earl of *Macclesfield* had a great Share both of Honour and of Danger; in the Interim the Earl of *Manchester*, General of the Associate Counties, and *Cromwell*, his Lieutenant-General, made all the Strength they possibly could towards the raising of the Siege of *Hull*; the Duke of *Newcastle*, to prevent it, sent 3000 Horse towards *Boston*, and about 1000 Dragoons to meet *Manchester*, and to hinder his Conjunction with *Fairfax*, who endeavoured to put over the *Humber* what Men he could spare to join *Manchester*; the Duke's Army of Horse being defeated by *Manchester*, and great Rains falling about the Beginning of *October*, made it impossible to continue the Siege in those low Fenny Grounds; so the Duke raised the Siege, which ended the second Campaign.

Notorious enough it is that the two Sieges, of *Hull* in the North, and of *Gloucester* in the West, gave the Rebels Time to recruit, or indeed rather to raise new Armies; but where to lay the Blame is very hard; may be the present King may have known something from his Father, or from the Earl of *Clarendon*, Prince *Rupert*, the now Duke of *Newcastle*, from his Father; the Earl of *St. Albans* and the Earl of *Macclesfield* may know the Reason of State; but from the Officers of the Army, who were in lower Stations, all was concealed: But since those Men who rarely ventured their Lives in this Quarrel, and the Neuters of *England*, who sat by their Fire-sides, have taken upon them to say, That if the King, after the Battle of *Edge-Hill* (tho' that Victory was disputed) had directly marched to *London*, before *Essex's* Army could have got thither, he had been received by the *Londoners*. It will sure be worth the Inquiry, why the same Fault should be committed twice, there being at that Time in both the King's Armies 10,000 effective Horse, and 30,000 Foot marching, and not one Army of the Rebels appearing.

‘ *** was with the King when he sat down before *Gloucester*, and he says that the Discourse amongst the Soldiers was, That his Majesty’s Council were not willing that there should be an entire Conquest; but rather that the King should return to *London*, upon Treaty, than with his drawn Sword; that Prince *Rupert* was too big, and that the Law and Parliament would be over-ruled by the General.

‘ *** went from the Siege of *Gloucester* before it was raised by *Essex*, to the Siege of *Hull*, and was in the Action where *Manchester* and *Cromwell* beat the Duke of *Newcastle*’s Horse, and advanced to raise him from before *Hull*; and the Soldiers there inquiring into the Reason of his Excellency’s Return from *Lincoln* to go Northward, and not marching into the Associate Counties, were answered, That he had engaged himself to the Northern Gentlemen, upon their giving him 12,000 *l.* per Month for his Army; that he would never leave an Enemy in their Country, so as that *Fairfax*, beginning to stir so soon as the Duke had passed the *Trent*, he thought himself bound by his Promise to return into *Yorkshire*, and to keep *Fairfax* in *Hull*; that that good and pious King did love Peace, may appear by the Treaty of *Uxbridge*, to which may be added, that the Night before he set up his Standard at *Nottingham*, it was very doubtful whether he would not chuse rather to return to *London*.

‘ His Majesty, uneasy in his Affairs, like a sick Man who turns from one Side to another to find Repose, resolves upon great Changes, appoints a Council to attend the Prince of *Wales*, of which the Earl of *Clarendon* was mostly in Credit, and sends him from his Side into the *West*; sends for his Army out of *Ireland* to assist him at home; acquaints Prince *Rupert* that now, since his Loss of the Battle at *York*, he was ungrateful to his good Subjects, and therefore must retire (his Highness chusing *Bristol*, where he was in no Command, and under no other Character than of his Nephew); removed Prince *Morris* from his Government at *Worcester*; displaced *Legge*, and made a new Governor of *Oxford*; would rely no more

1645.

upon Sir *Richard Byron*, who had commanded at *Newark* when it was besieged, and, by the Importunity of the Commissioners of *South-Wales*, brought from thence the Earl of *Macclesfield*, who did undertake to raise 10,000 Foot there to recruit his Army, trusting rather to the Commissioners' Promise that they would do it themselves under my Lord *Asley*, of which they failed, and very ill treated my Lord *Asley*, the General of their own chusing.

‘ The Queen went into *France*, (it may be for no other Reason than to get more Arms and Money for the King's Supply) and his Majesty, with a flying Army of Horse, swept Part of the Associate Counties, and thence went to *Hereford*, where he receives the News of Prince *Rupert's* giving up the Town of *Bristol*, and thence marched to relieve *Chester*, where *Barnard* Earl of *Litchfield*, the youngest Brother of the Duke of *Richmond*, and Captain of the Guards, was slain, who ought not to be forgotten.

‘ The King had there about 4000 Horse, commanded by the Earl of *Macclesfield*, Lieutenant-General; and now half the Army were the Remains of the Northern Horse, in Lord *Langdale's* Brigade, who also was made General of the Horse, and was with the Army in their Quarters, two Miles from *Chester*; the Lieutenant-General with his own Troop, and Earl of *Litchfield* with the King's Troop, both making 600 Horse, all Gentlemen and their Servants, and old Lord *Asley*, were in Town about the King's Person; Lord *John Byron*, then the Governor and General of *North-Wales*. *Booth* commanded the Foot which besieged the Town, (Uncle, I think, to this Lord *Delamar*) who was well and safely posted in the Suburbs, and stirred not upon the King's Approach. The Rebels Horse, who waited on the Motions of the King, was commanded by *Poynes* and *Graves*, (the latter afterwards came into the King's Service) and had as big an Army of Horse as the King, and not so much harrassed, the Men more in Heart, and very skilfully lead, *Poynes* being a very cunning Captain, and *Graves* very brave. The King had marched in Sight of *Poynes* six or seven Days

Days before his Majesty entered *Chester*, quartered near him every Night, and well knew his Strength : One may guess that the Rebels would not offer first to fight, because their Business was to cover *Booth*, while he vigorously attacked the City ; and his Majesty had great Cause to keep and preserve, and (as little as may be) hazard his Army, it being the only Body of Horse which was left ; yet the Lieutenant-General marched so warily in those close Countries where they were, that he would not have refused *Poynes*, because he always fenced so as that the Troops of Guards should first receive the Shock, which would not have given Way to the Enemy ; but so Matters were ordered, as that the Lord *Langdale*, without the Knowledge of the Lieutenant-General, and without the Assistance of the Guards, about two Days after the King was in *Chester*, did receive Orders from the Earl of *Bristol*, Principal Secretary of State, to engage with *Poynes* ; which Orders he obeyed, and was beat in the King's Sight ; the Lieutenant-General and Earl of *Litchfield*, with their Troops, and old Lord *Astley*, with some Foot, hastened out of the Town to their Succour ; but came so late as that they were surrounded by the Enemy. Lord *Astley* seeing the Danger, did timely retreat, and saved his Foot ; the Lieutenant-General, with his Troop of about 200, charged thro' 11 of the Enemy's Standards of Horse, the Length of a strait Lane, and beat them, and saved himself and nine Parts of ten of his Men. The Guards did the same in another Place, but lost their Captain.

' The King was forced to leave *Chester* besieged, marched into *North-Wales* with his Horse to amuse *Poynes*, and so came about to *Newark* ; soon after Prince *Rupert* came to *Belvoir* Castle, within ten Miles, and sent most humbly to supplicate his Majesty that he would see him, and hear his Defence concerning what happened at *Bristol* ; to which the King seeming to incline, the Earl of *Bristol* prevailed for Leave to go into the Highlands of *Scotland*, and drew with him half of the Horse which he lost in the Way ; but the Soldiers Council was against it,

advising the King to quit all his Garrisons, even *Newark* where he was, and *Worcester* and *Oxford* as he went along, whereby they proposed he might have an Army of Horse, Foot, and Artillery, better than any one Army he had ever fought withall, and so to take the Chance of a Battle for his Crown, rather than any where to abide a Siege; they did prove ignorant but loyal Men, not foreseeing that any Man durst be so hardy as to advise his going to the *Scots*.’

A Design for a
Copper-plate
Print.

‘THE Landskip of *England*, *Scotland*, and *Ireland*, with Battles, Sieges, and Desolations, Ruins of Houses and Churches, more particularly the Battle of *Naseby* should be done more at large. There is a Cut of it in *Sprigg’s History of the Wars*: A stormy Sky with Lightning, especially from the *North*. In a Square at the Bottom, from the Body of the Dragon, let there rise seven Heads, standing upon the Necks of Serpents erected; let the Heads have the Faces of Men, with Stings proceeding out of their Mouths, and Perriwigs of lesser Snakes about their Ears, in short Curls. Let the Order be this:

1. ‘A Jesuit, with the Cap of his Order, and about it written *Divide et Dirus*.

2. ‘A Presbyterian; if you can get *Knox’s* Picture, like him, with a black Cap turned up with white, and over it a *Scots* Bonnet, with Labels hanging down from it, and in them written, *Directory and Covenant*.

3. ‘An Independent, with a Cathedral reversed hanging over his Head instead of a Hat, and upon it written, *Independency*.

4. ‘*Oliver Cromwell*, whose Description hereafter.

5. ‘An Anabaptist, the Picture of *Jack of Leyden*, which you may have in *Pagil’s Herefography*, from the Top of his Crown an Escrol, with *Munster’s Reformation* written in it.

6. ‘A Quaker, with a Pair of Shoes on his Head instead of a Hat, made up like a Cap of Maintenance; a Feather in it, upon which let be written, *The New Light*.

7. ‘A Fifth-Monarchist; *Venner’s* Head, with a Morion on, as in *Pagil’s Herefography*, p. 280, a
Flag

Flag on the Top of his Helmet, with this Inscription, *The Saints must reign.* Let *Oliver's* Head, standing in the Middle, be elevated above the rest, a Crown hanging over it, held by a flying Devil; about his Neck a Rope, which must go on each Side, and wrap about the several Necks, and so back again to *Noll's*; where let it be tied with a little Scarf, in which these Words, *Funis coronat Opus.* Let the Snakes, from the several Heads, be twisted one with another.

• The Body of the Dragon must be a little elevated in the Posture of Combat; upon his Back the Sculpture of the Commons' House, tied on after the Manner of a Castle upon an Elephant; upon the Girths write, *Protestant Covenant*; upon the House three Traitors Heads with this Inscription, *Et extra et intra.* Out of the Side of the Dragon must issue armed Men, as out of the Horse of *Troy*; in the Curls of his Tail a Church must be wrapped, and tumbling down. He must have four Feet; upon the two hindermost he must stand in the Posture of a gentle Elevation, and under those Feet let the Earl of *Strafford* and the Archbishop of *Canterbury* be laid headleis; the Coronet of the Earl with the Bottom upwards, the Crosier broken by the Archbishop's Side, and his Mitre at his Feet, the Leaves of the Common Prayer torn about. Let the two fore Feet of the Dragon be like a Griffin's Claws, let him clap one of them upon the Crown Imperial, as tearing it from the King's Head, whose Sculpture must stand before him in his Regal Robes, and with the other Claw let him seize the Sceptre in the King's Hand, which must appear broken in striving for it. From the Wings of the Dragon must proceed two human Arms and Hands, in one of which must be a Banner displayed, with this Motto, *For Defence of true Protestant Religion, Liberty, and Privileges of Parliament*; in the other, a brandished Sword, with these Words, *Magna Charta Reformata*, and the *Magna Charta* torn in three or four Pieces, and strow'd about; in some lesser Squares, several Executions, as Shooting to Death at *Colchester*, Beheading at
Tower-

242 A P P E N D I X.

*Tower-Hill, Hanging, as at London, Bristol, &c. more especially the Murder of the King before Whitehall, London in Chains drawn about it and over it. The Royal Oak, Sectaries lopping off Arms of Prerogative, a Jesuit and a Fanatic sawing at the Root. Towards the East a Sun rising; the Royal Navy re-conducting his Majesty King Charles II. The King on Horseback in compleat Armour, his Head only bare; before him let the Dragon lie extended, without the Parliament House, upon his Back; Oliver's Head off, and the rest hanging down in the Dust as dying; an Angel descending with an Imperial Crown, and a Beam from Heaven shining upon the King, in which let it be written, *Cælo Salus*; upon the King's Shield, *Amnestia*; and the Cavalcade at his coming in.'*

REMEMBRANCES *for Order and Decency to be kept in the House of Lords, when his Majesty is not there, leaving the Solemnities belonging to his Majesty's Coming to be marshalled by those Lords to whom it properly appertains.*

The Sitting of
the Lords.

'FIRST, therefore, the Lords are to sit in the same Order as is prescribed by the Act of Parliament, and as they do at his Majesty's being there; except that the Lord-Chancellor sitteth on the Wool-sack as Speaker to the House, and the Lord-Treasurer upon the Earls' Bench.

Speaker.

'The Lord-Chancellor, when he speaketh to the House, is always to be uncovered: He is not to adjourn the House, or do any Thing as the Mouth of the House, without the Consent of the Lords first had; except the ordinary Things about Bills, as for preferring one Bill before another, and such-like; and, in Case of Difference amongst the Lords, it is to be put to the Lord-Chancellor; and if the Lord-Chancellor will speak to any Thing particularly, he is to go to his own Place as a Peer.

Lord-Chancellor
as a Peer.

Judges.

'The Judges, and such of the King's Privy Council as are called by the Writ to attend, sitting
by,

by, are not to be covered untill the Lords give them Leave, which they ordinarily signify by the Lord-Chancellor; and they being there appointed to attend the House, are not to speak or deliver any Opinion untill it be required, and they be admitted so to do by the major Part of the House, in Case of Difference.

‘ The learned Counsel are likewise to attend on King’s Counsel, the Woolfacks, but are never covered.

‘ Those of his Majesty’s Privy Council, who are Assistants. called by his Majesty’s Writ, as the Judges are, are to be used with the same Respect the Judges are, which is not to be covered untill they shall be admitted so to do by the House.

‘ The first Thing commonly, either at the Beginning of a Parliament, or of a Session, (after Prayers Beginning of Parliament. said) is that some Bill, *pro Forma*, is read, and then a Committee to be chosen out of the House, which shall stand all that Session to review the Orders of the House, and take Consideration of the Privileges of the Committee for Privileges. Peers of the Kingdom, Lords of Parliament, and see, from Time to Time, that they be duly observed.

‘ After that they fall to administer the Oath of Oath of Allegiance. Allegiance to such Noblemen as have not sat in the House before, and have not taken the same Oath before in the House.

‘ The Bills are commonly let pass at the first Proceedings on Bills. Reading, and to be committed upon Motion at the second Reading.

‘ No Person is to speak twice to any Bill at one Not to speak twice to one Matter, without Leave. Time of reading of it, or any other Proposition, unless it be to explain himself in some material Point of his Speech, but no new Matter, and that not without Leave of the House first obtained. Every Man speaks standing and uncovered, and names not the Members of the House commonly by their Names, but the Lord that spoke last, last but one, last but two, or some other Note of their Speech.

‘ At Votes, the lowest, after the Lord-Chancellor hath put the Question, begins first, and every Man, in his Turn, rises uncovered, and only says, *Content*, or *Not content*. Votes.

‘ The

Calling the
House.

“ The first or second Day the House is called, and Notice taken of such Lords as either have not sent their Proxies, or are not excused by his Majesty for some Time.

Poor-Box.

“ Every Lord that comes after Prayers, if a Baron or a Bishop, is to pay 1 s. if above that Degree, 2 s.

Absent Lords.

“ For Absence he is to pay nothing, but to make his Excuse by any Member of the House; which, if it be allowed as just, he is excused; if not, he is to be blamed by the House as the Fault requires. This to be understood to be after the general Meeting of the House upon the Writs, and the House set.

Peers' House.

“ Before the House sits, so much Respect is to be had to that Room, as none but Members of the House ought to be covered there; not so much as the eldest Son of any Peer whatsoever, unless he be called by Writ.

No private Per-
son to stay in the
House.

“ Neither is any other Person to stay there, or any Attendant of any Nobleman, but while he brings in his Lord, and then he is to retire.

House sitting.

“ When the House is sitting, every Lord that shall enter is to give and receive Salutations from the rest, and not to sit down in his Place, unless he hath made an Obeysance to the Cloth of State.

Adjournment by
Writ.

“ At the Beginning of a Parliament, before it be met, if the Day be adjourned it is done by Writ, which is directed to both the Houses; and, in that Case, the Lower House is to be called in, and stand uncovered below the Bar, but not before the Lords be all set; who sitting, and being uncovered, the Lord-Chancellor uses some Words unto them, to let them know the Cause of their Meeting, which he doth uncovered, in respect he speaks to both Houses; and, after the Writ read, he adjourns the Court.

Adjournment by
Commission.

“ If it be an Adjournment of a Session only, it is done by Commission unto some of the Lords of the Upper House, in which Case the Lower House are present, and the Commission is to be sent down to the House of Commons upon such Adjournment, with Signification of the Adjournment performed by the Lords accordingly.

“ To

‘ To have more Freedom of Speech, and that Arguments may be used *pro & contra*, Committees are appointed, (sometimes for Bills, to facilitate and agree of great Businesses) either of the whole House, or of Particulars. Committees of the whole House sometimes sit in the House; but then the Lord-Chancellor sits not on the Woofack as a Speaker.

‘ If they be of small Numbers, commonly they meet in the little Room, or in the Painted Chamber, as the Lords please. Any of the Lords of the Committee speak to the rest uncovered, but may sit still if he pleases.

‘ The Committees are to be attended by such Judges or learned Counsel as are appointed. They are not to sit there, or be covered, unless it be out of Favour; or, for Infirmary, some Judges sometimes hath a Stool set behind, but never cover; and the rest never sit nor cover. The Lord-Chancellor, *J. Popham*, did often attend Committees; and though he was Chief Justice, Privy Counsellor, and infirm, yet would he very hardly ever be persuaded to sit; saying, It was his Duty to stand and attend; and desired the Lords to keep those Forms which were their Due.

‘ The meeting of the Lords with any of the Lower House, is either upon Occasions of Messages which they send up to the Lords, or upon Conferences. When they come up to them the Manner is thus: After the Lords have Notice given them by the Usher, that the House of Commons have sent to the Lords, they attend till the Business upon which the House is, is ended; and then, the Lords sitting all covered, the Commons are sent for in, and stand at the lowest End of the Room; then the Lord-Chancellor, with such as please, riseth and go down to the Middle of the Bar; then the Chief of the Commons in the Midst, and the rest about him, come up to the Bar with three Obeysances, and deliver the Message to him; who, after he has received it, retires to his former Place; and, the House being cleared and settled, he reports it to the Lords, who do help his Memory, if in any Thing he be mistaken; and after

246 A P P E N D I X.

after the Lords have taken Resolution, if the Business require any Answer, they are either called in, and approaching to the Bar with three Obeysances, as before, the House sitting in Order and covered as before, the Lord-Chancellor, sitting upon the Woolfack covered, doth give them their Answer in the Name of the House; or else, if the Resolution be not so speedy, the Lords send them Word by the Usher, they shall not need to stay for the Answer, but will send it by some express Messenger of their own.

Messengers to the House of Commons.

‘ The Lords never send to the Lower House by any Members of their own House, but either by some of the learned Counsel, Master of Chancery, or such-like which attend the Lords, and in weighty Cases some of the Judges; nor are the Commons ever to employ, unto the Lords, any but of their own Body.

Conference with the Commons.

‘ The Place of Conference is usually the Painted Chamber, where the Commons are usually before the Lords come, and are to expect their Lordships Leisure. The Lords come in in a whole Body, and not some Lords scattering before the rest, which both takes from the Gravity of the Lords, and prevents the Places; but they are not, at any Committee or Conference, ever to be covered, or sit down, in the Presence of the Lords, unless it be some infirm Person, and that by Connivance, in a Corner out of Sight; to sit, but not to be covered.

The Commons sit not, or are covered.

Committee of Lords.

‘ At the Committee of Lords any Member of their House, though not of the Committee, is not excluded from coming in and speaking, but he must not vote; also he shall give Place to all that are of the Committee, though of a lower Degree, and shall sit behind them. The same Order is also observed at a Conference with the Commons.

Conference.

‘ None are to speak at a Conference with the Commons, but those of the Committee.

Reports.

‘ When any thing that hath been committed is reported, all the Lords of the Committee stand up.

No Stranger to be at a Conference or Committee.

‘ No Man is to enter either when the House sits, or at any Committee or Conference, unless it be such

such as are commanded to attend, but such as are Members of the House, upon Pain of being punish'd severely, and with Example to others.

‘ The Lords are to keep their Dignity and Order in sitting as much as may be, and not remove out of their Places without just Cause, to the Hinderance of others that sit near them, and Disorder of the House; but when they must needs go cross the House, they are to make Obeysance to the Cloth of State. To keep Order in the House.

‘ When any Lords speak, they address their Speech to the rest of the Lords in general. Speaking in the House.

‘ If there be any Difference in the Form or Style of Writs from the antient, it is to be examined how it comes, and a strict Course for punishing the Time past, and future Amendment. Writs mistaken.

‘ It would be resolved what Privilege Noblemen and Peers have; betwixt which this Difference is to be observed, that Bishops are Lords only of Parliament, but not Peers; for they are not of Trial by Nobility, but Lords of Parliament. Having Privilege for their Servants from Arrests, it is to be known for what Time before and after the Session, as likewise whether it reach to any but menial Servants. Bishops Lords, but not Peers.

‘ To prevent Misunderstanding, and for avoiding of offensive Speeches when Matters be debated either in the House or at Committees, it is for Honour's Sake thought fit, and to be ordered, that all personal, sharp, or taxing Speeches be forborne; and whosoever answereth another Man's Speech, shall apply his Answer to the Matter, without Wrong to the Person. And as nothing offensive is to be spoken, so nothing is to be ill taken, if the Party that speaks shall presently make a fair Exposition or clear Denial of the Words that might bear any ill Construction; and if any Offence is given in that Kind, the House itself will be very sensible thereof, and sharply censure the Offender, and give the Party offended a fit Reparation and full Satisfaction. Freedom from Arrests.

‘ The Clerk is to enter no Order untill the Lord-Keeper or Chancellor first demand the Assent of the House; and the Clerk is to read every Order first Asperity of Speech.

Orders to be read.

first in the House before it be entered. *Vide Parliament Dec. 14, 1621; Feb. 22, 1623; May 20, 1626.*

Fines, April 3,
1624.

‘Whereas the High Court of the Upper House of Parliament do often find Cause in their Judicature to impose Fines, among other Punishments, upon Offenders, for the good Example of Justice; and, to deter others from the like Offences, it is ordered and declared, That, at the least, once before the End of every Session, the Committee for the Orders and Privileges of the Lords’ House of Parliament do acquaint the Lords with all the Fines that have been laid that Session; that thereupon their Lordships may use that Power, which they justly have, to take off or mitigate such Fines, either wholly or in Part, according to the Measure of the Penitence or Ability of the Offender; or suffer all to stand, as in Equity their Lordships shall find fit: And that, untill every Session be ended, no Estreat is to be made of such Fines set or imposed by Parliament; nor any Copy thereof to be made by the Clerk, without special Order, upon public Motion in full House.

For Trial of
such as shall be
brought before
the Lords’ Judicature.

‘As this Court is the highest, from whence others ought to draw their Light, so the Proceedings thereof should be most clear and equal, as well on the one Side as the other, in finding out Offences where there is just Ground, and in affording all just Means of Defence to such as shall be questioned; therefore, in all Cases of Moment, the Defendant shall have Copies of all Depositions *pro et contra*, after Publication, a convenient Time before the Hearing, to prepare themselves; and also, if the Defendant shall demand it of the House in due Time, they shall have their learned Counsel to assist them in their Defence. Whether they be able, by reason of Health, to answer in Person or not, so as they chuse Counsel void of Exception, and if such Counsel shall refuse them, they are to be assigned as the Court shall think fit. This their Lordships do, because in all Causes, as well Civil as Criminal and Capital, they hold that all lawful Means cannot, before

Counsel to be
admitted.

fore juſt Judges, make one that is guilty avoid Juſtice; and, on the other Side, God defend that innocent Blood ſhould be condemned.

‘ As for the calling Members to the Bar, their Lordſhips hold fit to be very well weighed at what Time, and for what it ſhall be, and therefore Precedents are to be looked out and conſidered of. *May 28, 1624.*

‘ How far it is conceived the Privilege of the Nobility doth clearly extend concerning the Freedom of their Servants and Followers, to all their menial Servants and thoſe of their Families, as alſo to thoſe employed neceſſarily and properly about their Eſtates as well as Perſons: This Freedom to begin from the Date of the Writ of Summons in the Beginning of every Parliament, and to continue twenty Days before and after every Session of Parliament. All the Lords are to be very careful in this Point, remembering the Ground of this Privilege, which was only in reſpect they ſhould not be diſtracted, by the Trouble of their Servants, from attending the ſerious Affairs of the Kingdom; and therefore they will not pervert that Privilege to the public Injuſtice of the Kingdom, which was given them only that the whole Realm might, in this High Court, draw the clear Light of Juſtice from them; in which Caſe every one ought rather to go far within, than any Way exceed the due Limits.

‘ Before any Perſon be ſent for in this Kind, the Lord whom he ſerves ſhall, either by himſelf or by his Letter, or by ſome Meſſage, certify the Houſe, upon his Honour, That the Perſon arreſted is within the Limits of the Privilege before expreſſed; and for the Particulars they muſt be left to the Judgment of the Houſe, as the particular Caſes ſhall come in Queſtion, wherein the Houſe wants not all Means, as well by Oath as without, to find out the true Nature of the Servant's Quality to his Lord's Service: And thereupon if, by the Houſe, it be adjudged contrary to the true Intent and Meaning, any Member whatſoever muſt not think it ſtrange if, in ſuch Caſe, both he himſelf ſuffer Reproof, as the Houſe ſhall think

Calling Members to the Bar.

Privilege of Parliament. The Clause was thus worded by Order of the 27th of June, 1623.

think fit, and his Servant receive no Benefit by the Privilege, but pay the Fees; whereas the Justice of the Kingdom must be preferred before any personal Respect, and none to be spared that shall offend after so fair Warning. *May 23, 1624.*

Oath of Allegiance. 'All the Lords shall, once every Parliament, take the Oath of Allegiance. *Per Ord. Feb. 25, 1625.*

Absent Lords. 'When the House is set, as he is to pay that comes after Prayers, so he that comes not at all, and maketh not his just Excuse, is to pay five Shillings for the Poor for every Day's Absence. *Ibid.*

Proxies. 'No Lord shall be capable of receiving above two Proxies, nor more to be numbered in any Cause, or Vote; and all Proxies from a Spiritual Lord shall be made to a Spiritual Lord, and from a Temporal Lord to a Temporal Lord. *Ibid.*

Proxies vacated. 'If a Peer, having Leave of the King to be absent from Parliament, leaves his Proxy, and afterwards sits again in the House, his coming and sitting again in the Parliament doth not determine that Proxy. *April 25, 1626.*

'If a Peer, having Leave to be absent, makes his Proxy, and returns, he cannot make a new Proxy without new Leave. *Per Ord. ibid.*

Imprisonment of Lords. 'The Privilege of the House is, That no Lord of Parliament, sitting the Parliament, or within the usual Time of Privileges of Parliament, is to be imprisoned or restrained without Sentence or Order of the House, unless it be for Treason or Felony, or for refusing to give Security for the Peace. *April 28, 1628.*

Lords to keep their Places. 'Every Lord is to sit in his due Place when the House is put into a Committee. *Per Ord. May 9, 1626.*

House adjourned into a Committee. 'If it be desired by any Lord that the House be put into a Committee, it ought not to be refused. *Ibid.*

The Order about the Precedency granted to the Earl of Banbury before divers other Lords of antienter Creation. 'The Lords in Parliament having understood by the Lords Committees for the Privileges of the House, that they are clearly of Opinion, the Act of Parliament of 31 *Henry VIII.* is most strong and plain for settling the Precedency of the Peers, according

cording to their Antiency and Times of Creation, have, upon full and deliberate Hearing, and examining the said Act, in every Part, in open House, adjudged, and do adjudge and declare, the said Act, 31 *Henry VIII.* to be full and direct in the Point to enjoin every Peer, upon new Creation, to have Place according to the Time of his Creation, and Date of his Letters Patent, and no otherwise; and every other antient Peer to hold his Place according to his Antiquity and Creation, and no otherwise, unless it be in such Cases of such Persons, and in such Places as the said Act doth particularly mention: And whereas his Majesty was pleased to send a gracious Message to this House, to let us know that it was never his Intention to innovate any thing in that Kind, or to win any Power contrary to Law or antient Custom, in Matter of placing one before another; but his Majesty having resolved to confer that Dignity on that Noble Person at the same Time with the other then advanced, he being the first in Quality of them, was consequently to have had the first Creation; but being at that Time casually forgotten, and his Majesty afterwards remembered of him, he did but assign him that Rank which was at first intended, without the least Thought of injuring any in the Parliament, or ever to do the like for the future; as also his Majesty desired that it might pass for this once in this Particular, considering how old a Man this Lord is, and childless; so that he may enjoy it during his Time, with this Assurance, That his Majesty will never more occasion the like Dispute, but allow Degrees to be marshalled according to the Statute in that Behalf. The Lords do give his Majesty very humble and hearty Thanks for his Princely Care to satisfy this House of his clear Intention, and are contented (the Lords particularly interested in the Precedency having first given their Consents) that the said Earl may hold the same Place as he now stands entered, for his Life only; and that Place of Precedency not to go to his Heirs. With this Proviso, That it shall not, in the least Degree, be brought into Example to prejudice the

undoubted Right of the Peers according to the full Judgment pronounced: And with this solemn Protestation, That as his Majesty hath been pleased to promise he will never, in the future, seek to break the Precedency settled according to Antiquity of Creation in any Sort, so the Lords will never, upon any Occasion hereafter, give way to any Precedency (though but for Life, or temporary) in any Point impugning or contradicting this Judgment, grounded upon the aforesaid Statute, delivered upon so great and sound Deliberation and Advice, with a general Consent, which they have caused to be entered and inrolled, and shall be read, at the Beginning of every Session in the open House, among the Orders.

Lords to answer
upon Honour.

‘ Ordered, upon the Question, *nem. con.* That the Nobility of this Kingdom, and Lords of the Upper House of Parliament, are, of antient Right, in all Courts as Defendants, to answer, upon Protestation of Honour only, and not upon the common Oath. *Per Order, May 6, 1628.*

Goods of privileged Persons
privileged

‘ Ordered, That the Goods of privileged Persons taken in Execution, are to be re-delivered and freed, as well as their Persons. *Per Order, May 20, 1628.*

Lobby Chamber.

‘ Ordered, That none but Noblemen, and the necessary Attendants of the House, are to come into the Lobby, or the little Committee-Chamber. *Per Order, May 23, 1628, P. M.*

Quarrels, *Die Luna, P. M.*
1621.

‘ Ordered, by the Lords in Parliament, for avoiding of all Mistakes, Unkindnesses, and other Differences, which may grow to Quarrels, tending to the Breach of Peace, That if any Lord shall conceive himself to have received any Affront or Injury from any other Member of the House, either in the Parliament-House, or at any Committee, or in the Room belonging to the Lords’ House of Parliament, he shall appeal to the Lords in Parliament for his Reparation; which if he shall not do, but occasion or entertain Quarrels, declining the Justice of the House, then the Lord that shall be found therein delinquent, shall undergo the severe Censure of the House of Parliament; and that this Order be added to the Standing Orders of the House.

‘ Or-

‘ Ordered, by the Lords in Parliament, That ^{Protestation, Die} such Lords as shall make Protestation, or enter their ^{Sabb. March 5,} Dissents to any Vote of the House, shall make their ^{1641.} said Protestation, or give Directions to have their Dissent enter’d into the Clerk’s Book the next Sitting-Day of the House, or else the said Protestation, or Dissent, to be void and of none Effect.

‘ Ordered, by the Lords in Parliament assembled, ^{Speaker of the} That it is the Duty of the Lord-Chancellor or Lord- ^{House, Die Sabb.} Keeper of the Great Seal of *England*, ordinarily to ^{June 9, 1660.} attend the Lords’ House of Parliament; and that in Case the Lord-Chancellor or Lord-Keeper be absent from the House of Peers, and that there be none authorized under the Great Seal from the King to supply that Place in the House of Peers, the Lords may then chuse their own Speaker during that Vacancy.

‘ Upon Report from the Committee for Privileges, ^{Introduction of} concerning the Introduction of Lords by Descent ^{Peers, Die Lunæ,} into the House of Peers, it is resolved, by the Lords ^{July 27, 1663.} Spiritual and Temporal in Parliament assembled, That all Peers of the Realm, by Descent, being of the Age of twenty-one Years, or upwards, have Right to come and sit in the House of Peers without any Introduction. Resolved, &c. That no such Peers ought to pay any Fee or Fees to any Herald upon their first coming into the House of Peers. Resolved, &c. That no such Peers may or shall be introduced into the House of Peers by any Herald, or with any Ceremony, though they shall desire the same. Resolved, &c. That these Votes be entered and affixed to the general Orders of the House of Peers, to prevent all Questions or Claims of this Kind for the future.

‘ Upon Report from the Lords Committees for ^{Concerning Re-} Privileges, that, in pursuance of the first Part of ^{stitution of} the Order of the 24th of *February* last, directed to ^{Blood, March 2,} the Committee, upon the reading of a Bill for re- ^{1664.} storing Sir *Charles Stanley* in Blood, the first Time, as the said Bill began in the House of Commons, it appearing by the Records of Parliament that all Bills for Restitution in Blood ought, (before they

be admitted and received in Parliament) upon humble Petition, to have his Majesty's Allowance for presenting the said Bills; and that then they are to be prosecuted and begun in the House of Peers: Contrary to which Privilege there having been Errors committed, by reason of the beginning some Bills of this Nature in the Lower House, our late Sovereign, King *James*, was pleased to take Notice thereof openly, giving Admonition to both Houses concerning our Act, (namely, for Restitution of *Rowland Marrick* in Blood) that no such Act of Restitution, from thenceforth, should be proceeded withall in Parliament, till the same was first allowed and signed by the King, and that then it ought first to begin in the Higher House, whereof his said Majesty did expressly will an Observation and Remembrance to be made. Notwithstanding which Rule, by reason of the Interruption of the regular and parliamentary Proceedings, occasioned in the late tumultuous Times, whereby Sir *Charles Stanley* and his Counsel have been mistaken in the proper Way for bringing in a Bill for Restitution in Blood into the Parliament, the Lords Spiritual and Temporal, in Parliament assembled, do declare, That although they have been pleased to receive the said Bill, yet it is with this positive Resolution, That, for the future, no such Acts of Restitution shall be proceeded withall in Parliament, untill the same be first allowed and signed by the King's Majesty, and then that it shall first begin in the House of Peers; and that, to this Purpose, the said Resolution of this House, conformable to the Orders of the 22d and 27th of *May*, in 3. *Jac.* 1606, be entered upon the Roll of the Standing Orders of this House.

Bills to be duly
considered.
May 5, 1668.

‘ Upon Report made by the Lord-Chamberlain from the Committee of the whole House, concerning the Bill for raising 300,000 *l.* by an Imposition on Wines and other Liquors, that in regard the said Bill being very long, and consisting of many Paragraphs, came from the House of Commons so near the Time of Adjournment, he was commanded to report it, as the Opinion of the Committee, that it might

might be entered into the *Journal* of this House, That there may be no such Argument hereafter used in this House (as upon this Bill of Shortness of Time) for the passing of Bills to precipitate the passing thereof; but that due Consideration may be hereafter had, according to the Course of Parliaments, the Lords Spiritual and Temporal, in Parliament assembled, agree with the Report made from the Committee; and ordered that this Order be entered on the Roll of the Standing Orders of this House.

‘ Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That if any Lord have occasion to speak with another Lord of this House, while the House is sitting, they are to go together below the Bar, or else the Speaker is to stop the Business in Agitation; and that this Order be added to the Standing Orders of this House.

Lords not to discourse together while the House is upon Business. *March 30, 1670.*

‘ Forasmuch as upon Writs of Error returnable in this High Court of Parliament, the Parliament therein doth often desire Delay of Justice, rather than to come to the Determination of the Right of the Cause; it is therefore ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the Parliament, in all such Writs, after the same and the Records be brought in, shall speedily repair to the Clerk of the Parliament, and prosecute their Writs of Error, and satisfy the Officers of this House their Fees, justly due unto them by reason of the Prosecution of the said Writs of Error and the Proceedings thereupon; and further shall assign their Error within eight Days after the bringing in of such Writs with the Records; and if the Plaintiff make Default so to do, then the Clerk of the Defendant, if such Writs require it, shall record that the Plaintiff hath not prosecuted his Writ of Error; and that the House doth therefore award that such Plaintiff shall lose his Writ, and that the Defendant shall go without Day, and that the Record be remitted; and if any Plaintiff, in any Writ of Error, shall alledge Diminution, and pray a *Certiorari*, the Clerk shall enter an Award thereof accordingly; and the Plaintiff may before, *in nullo est Erratum*, sue forth the Writ

Proceedings upon Writs of Error entered by Order of the House, *Dec. 13, 1661, and Dec. 9, 1670.*

256 A P P E N D I X.

of *Certiorari* in ordinary Course, without special Petition or Motion in this House for the same; and if he shall not prosecute such Writs, and procure it to be returnable within ten Days next after his Plea of Diminution put into this House, then, unless he shew good Cause to this House for the enlarging of the Time for the returning of such Writ, he shall lose the Benefit of the same, and the Defendant on the Writ of Error may proceed as if no such Writ of *Certiorari* was awarded.

Lords to keep
their Places up-
on voting in the
House, *March 13,*
1670.

‘ Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That, after a Question is put, and the House hath voted thereupon, no Lord is to depart out of his Place untill the House hath either entered upon some other Business, or upon Consideration of adjourning the House; and that this Order be added to the Roll of Standing Orders of the House.

Concerning Vo-
ting. *January 9,*
1673.

‘ Ordered, &c. That when a Question hath been truly put by the Speaker, no Lord is to speak against the Question before voting; and that this shall be entered into the Roll of the Standing Orders of this House.

Lords not to an-
swer Accusations
in the House of
Commons. *Ja-
nuary 20, 1672.*

‘ Upon Report made this Day from the Lords Committees appointed to consider of the Privileges of the Peers of this Realm, and Order and Customs of the Lords’ House, &c. to whom was referred the examining of what hath been the Practice in former Times, in the Cases of Lords desiring Leave to appear and answer Accusations in the House of Commons, that their Lordships have searched and perused Precedents, and thereupon conceive that it may deeply intrench upon the Privileges of this House, for any Lord of this House to answer an Accusation in the House of Commons, either in Person, or by sending his Answer in Writing, or by his Counsel there; upon serious Consideration had whereof, and Perusal of the said Precedents in this House, it is ordered, &c. That, for the future, no Lord shall either go down to the House of Commons, or send his Answer in Writing, or appear by Counsel to answer any Accusation there,
upon

upon Penalty of being committed to the Black Rod, or the Tower, during the Pleasure of this House; and that this Order be added to the Standing Orders of this House, that the Lords may the better take Notice of the same.

‘ Ordered, &c. That no Oath shall be imposed by any Bill, or otherwise, upon the Peers, with a Penalty, in case of Refusal, to lose their Places and Votes in Parliament, or Liberty of Debates therein; and that this Order be added to the Standing Orders of this House. No Oath to take away the Privilege of Peerage. April 30, 1675.

‘ The Lords Spiritual and Temporal, &c. do declare, That in all Cases, wherein it is necessary to examine Witnesses *in perpetuam Rei Memoriam*, it shall not be taken to be a Breach of the Privilege of Parliament to file a Bill against a Peer in Time of Parliament, and to take out usual Process for that Purpose only; and that this Declaration be added to the Roll of Standing Orders. Witnesses to be examined in Perpetuam Rei Memoriam, without Breach of Privilege. July 3, 1678.

‘ Ordered, &c. That all Persons who shall have any Writs of Error, or Petitions of Appeal from any Court of Equity, to be exhibited to this House, do bring their said Writs of Error, and present their Petitions within fourteen Days, to be accounted from and after the first Day of every Session or Meeting of Parliament, after a Recess; after which Time the Lords do declare they will, during every such Sitting, receive no Writ of Error, or Petition of Appeal, unless upon a Judgment given in any of his Majesty’s Courts of Judicature, or Decrees had in any of the Courts of Equity, whilst the Parliament is actually sitting; in which Cases, the Party who shall find himself aggrieved may bring his Writ of Error, or Petition of Appeal, within fourteen Days after such Judgment or Decree is given; and that this Order be added to the Standing Orders of the House of Peers, and likewise published in Print, to the End that all Persons concerned may take Notice thereof, and observe it accordingly.’ Time limited for bringing in Writs of Error and Appeals. July 13, 1678.

The

The foregoing, being the Remembrances, &c. of the *House of Lords*, is taken from a Folio miscellaneous MS. in Dr. Z. Grey's Collection; and the following, relative to the Rules, Orders, &c. of the *House of Commons*, is from a printed Book, intitled,

ORDERS, STANDING ORDERS, and RESOLUTIONS
of the Hon. HOUSE of COMMONS, relating to their
FORMS of PROCEEDING, PRIVILEGES, &c.
Collected out of the JOURNALS, and digested under
their several Heads; printed in the Year 1747.

THE ORIGINAL PREFACE:

IF it is reasonable to wonder that this *Manual* was never published before, it will be so much the less necessary to apologize for publishing it now: And, surely, if it appears, that not only all who have Seats in Parliament, or who are in a Capacity to sit, or who have Business to transact there, but the whole People in general are interested in the Rules and Orders of their Representatives, it will not be disputed that they ought to be acquainted with them; and the Persons will rather deserve their Thanks than Censure, who put it in their Power to be so.

Now, barely to read them, is to be convinced of this; for they will be found to reach to almost all Orders of Men, either mediately or immediately, from the Judge to the Baliff's Follower, and from the Petitioner at the Bar to the Footman on the Stairs, and the Vagrant in the Street: And it is fit for those without Doors to reflect, with a due Mixture of Reverence and Attention, that the Word Privilege is become as sacred as the Word Law; and that Ignorance may be held as insufficient a Plea, in Case of an Offence, against the one as the other.

Then for those within, if we may presume to speak of them at all, it can scarce be said, that they are qualified for the Trust reposed in them, till they are acquainted, in some Degree, with the Methods in which it is to be discharged: And this is a known Truth, That Men of very slender Parts, by rendering

ing themselves thorough Masters of the Forms of the House, have made themselves considerable, have fancied themselves to be more so; and, by the mere Dint of calling to Order, and quoting Journals and Precedents, have sometimes defeated Arguments they could not answer, and triumphed over Talents and Abilities that infinitely transcended their own; which is all that need be said to recommend a Study, hitherto, perhaps, too much neglected; and to justify a Publication, that could never be more seasonable, than when so many new Members are just entering into the Service of their Country.

ORDERS of the HOUSE of COMMONS.

June 20, 1604.

‘ **A**GREED for Order, upon Occasion of a Speech uttered by *L Lewis L*, That whosoever hisseeth, or disturbeth any Man in his Speech, shall answer it at the Bar, as a Breach of Order, and Contempt of the House. a Orders of Decency and Behaviour in the House.

‘ *May 7, 1607.* Ordered upon the Question, That, in going forth, no Man should stir untill Mr. Speaker do rise and go before, and then all the rest should follow after him.

‘ *March 9, 1625; 1 Car.* Ordered, That none shall go out of the House, when it riseth, before Mr. Speaker.

‘ *March 15, 1625, 1 Car.* Ordered, That no Man shall go out from the grand Committee before the Speaker take his Chair again, and so the House rise in the usual Order.

‘ *May 17, 1614.* Ordered, That whosoever standeth in the Entry pay 12 *d.* presently to the Serjeant.

‘ Revived *Feb. 6 and 9, 1622.—Feb. 22, 1625. Jan. 15, 1641.—Dec. 14, 1660, and June 7, 1661.*

‘ *Feb. 15, 1620.* The Speaker told, That he was too courteous, for that he put off his Hat too often; he should not move it untill the third Congee.

‘ *Nov. 16, 1620.* Ordered, upon the Question, That all those who disturb the House, by rushing into the Entry before Mr. Speaker, at the Rising of the House, shall be called to the Bar.

‘ *March*

260 A P P E N D I X.

‘ *March 26, 1627, 4 Car.* Ordered, That all who stand in the Entry, or go out disorderly before the Speaker, shall pay 12*d.* a-piece to the Serjeant, and so likewise at the grand Committee, when the House sitteth.

‘ *Revived June 14, Jan. 20, and Feb. 9, 1627 ; and Feb. 16, 1643.*

‘ *Nov. 12, 1640, P. M.* Ordered, That whosoever shall go forth of the House in a confused Manner, before Mr. Speaker, shall forfeit 10*s.* and that the Reporters might go first to take their Places.

‘ *Nov. 25, 1640.* Ordered, That when any Message is to go up to the Lords, none shall go out of the House before the Messengers.

‘ *Dec. 4, 1640.* Ordered, That whosoever does not take his Place when he comes into the House, or removes out of his Place, to the Disturbance of the House, shall pay 12*d.* to be divided between the Serjeant and the Poor ; and whosoever speaketh so loud in the House, when any Bill or other Matter is reading, as to disturb the House, shall pay the like Forfeiture.

‘ *May 5, 1641.* Resolved, That if any Man shall whisper, or stir out of his Place, to the Disturbance of the House, at any Message or Business of Importance, Mr. Speaker is ordered to present his Name to the House, for the House to proceed against him as they shall think fit.

‘ *Nov. 17, 1641.* Ordered, That the Serjeant shall desire the Gentlemen Members of the House, to take their Places when they come into the House, and not to stop up the Passage in the Time of Prayers.

‘ *Dec. 14, 1641.* Ordered, That the Members of the House that are gone up to the Lords now before Mr. Speaker, shall pay their 5*s.* a-piece.

‘ *Feb. 17, 1644.* Ordered, That no Member do presume to go over the Seats, or cross the House, to the Disturbance of the House, or read any printed Book in the House ; and that such Member as shall so offend, shall pay 12*d.* to the Box for the Use of the Poor.

‘ *Sept.*

‘ *Sept.* 19, 1656. Agreed for a Rule, That whilst any Stranger is in the House, no Member ought to stir out of his Place, nor speak unto another.

‘ *June* 1, 1661. Ordered, That whensoever the House is to rise, every Member keep his Seat till the Speaker go out, and then every one in their Course orderly as they sit, and not over the Forms.

‘ Ordered, That all such of the Members of this House as climb over their Seats shall pay 12 *d.* to the Serjeant attending this House.

‘ *Feb.* 8, 1661. Ordered, That all Members of this House, that shall interrupt the House in Debates, by private Discourse, be called to the Bar.

‘ *Jan.* 22, 1693. To the End that all Debates of this House should be grave and orderly, as becomes so great an Assembly, and that all Interruptions shall be prevented by it, ordered and declared, That no Member of this House do presume to make any Noise or Disturbance, whilst any Member shall be orderly debating, or whilst any Bill, Order, or other Matter, shall be reading or opening; and in case of any Noise or Disturbance, that Mr. Speaker do call upon the Member, by Name, making such Disturbance; and that every such Person shall incur the Displeasure and Censure of this House.

‘ *March* 23, 1693. Ordered, That no Member of the House do presume to take Tobacco in the Gallery of the House.

‘ Ordered, That no Member of the House do presume to take Tobacco at the Table, sitting at Committees.

‘ *Feb.* 10, 1698. Ordered, That every Member of this House, when he comes into the House, do take his Place, and not stand in the Passage as he comes in or goes out, or sit or stand in any of the Passages to the Seats, or in the Passage behind the Chair, or elsewhere that is not a proper Place.

‘ Revived *Feb.* 15, 1720.

‘ *Jan.*

Orders for the
Speaker's taking
the Chair, and
adjourning the
House, and Va-
cancy of the
Chair, &c.

' *Jan. 5, 1640.* It was ordered, as a constant Rule, That Mr. Speaker is not to go to his Chair till there be at least forty in the House.

' *April 2, 1641.* Ordered, That whereas, among the Commissioners Names for the Counties of *Oxon* and *Gloucester*, and the City of *Gloucester*, Mr. Speaker is only named *William Lenthall, Esq;* it is now ordered, that it should be expressed *William Lenthall, Esq; Speaker of the House of Commons*, and that he be ranked in the first Place.

' *Dec. 19, 1678.* Resolved, That Mr. Speaker shall not at any Time adjourn the House, without a Question first put, if it be insisted on.

' Resolved, That this Resolution be entered in the *Journal*, as a Standing Order of this House.

' *April 12, 1679. P. M.* Resolved, &c. That it be a Standing Order of the House, that, from henceforth, upon any Vacancy of the Chair, no Motion be made for chusing of a new Speaker till after Eleven o'Clock.

' *March 20, 1728.* Ordered, That, for the future, when any Letter or Packet, directed to this House, shall come to Mr. Speaker, he do open the same, and acquaint the House at their next Sitting with the Contents thereof, if proper to be communicated to the House.

Orders touching
Elections and
Returns.

' *Feb. 23, 1623. 21 Jac.* Agreed there be a general Warrant to Mr. Speaker, to make Warrants for new Writs, in case of Death or double Returns.

' *Feb. 25, 1623.* Ordered upon the Question, That all Petitions, about Elections and Returns, shall be presented to the Committee of Privileges within a Fortnight from this Day, or else to be silenced for this Session.

' *March 5, 1623.* Ordered, upon the Question, That all Affidavits taken in any Court concerning Elections, Returns, or any Thing depending thereupon, be rejected, and not used hereafter.

' *Feb. 15, 1625.* All Petitions touching Elections to be preferred within fourteen Days after the Return.

' *Feb.*

‘ *Feb. 18, 1625.* All Petitions concerning Elections past to be delivered in before *Thursday* Fortnight; and for other Elections to be made hereafter, a Fortnight after their Return.

‘ *March 20, 1626.* 3 *Car.* Ordered, That Warrants do issue under Mr. Speaker’s Hand to the Clerk of the Crown, for Writs for new Elections, in the Room of the several Places waved; and a general Warrant to Mr. Speaker, without further Motion, to make Warrants to the Clerk of the Crown, for new Writs upon Elections of any other double Return, or upon any Place to grow void by Death during this Parliament.

‘ *Jan. 20, 1626.* 4 *Car.* Ordered, That a general Warrant be made to Mr. Speaker, upon Deaths, to make Warrants for new Elections, without Motion, as in other Cases upon Elections.

‘ It is upon the Question ordered, That all who are doubly returned shall make their Election for which Place they will serve, upon, or before, this Day Se’nnight.

‘ It is this Day ordered upon the Question, That all such as will question any Election already returned, shall do the same by Petition, to be delivered to the Committee of Privileges, within fourteen Days next following, and for those Elections hereafter to be return’d, within fourteen Days after the Return thereof.

‘ Revived *Nov. 16, 1640.* *April 26, 1660.*

‘ *March 28, 1627.* 4 *Car.* Every one that is doubly returned to make his Election now, in the House, or else the House to make Election for him.

‘ *April 16, 1640.* Ordered, That they that are by more Indentures than usual returned, shall withdraw themselves from sitting in the House, till the Committee for Privileges have further ordered it, and the Committee be desired to expedite their Business.

‘ *Nov. 6, 1640.* This Committee is appointed to examine and consider all Questions to grow and arise this Parliament, about Elections and Returns, and other Privileges of the House; and to report their Opinions and Proceedings therein to the House; and have Power to send for Records, Witnesses,
and

and Parties, and to hear Counsel; and are for this Purpose to meet this Afternoon, and afterwards every *Saturday, Tuesday, and Thursday*, in the Star-Chamber, after Dinner.

‘*Ordered*, That those Petitions this Day delivered into the House, concerning Elections, shall be bundled up, and delivered to the Committee of Privileges, and they to consider which of them to fall in Hand first.

‘*Nov. 10, 1640.* Moved, that such whose Elections are questioned, and are doubly returned, shall be exempted from making their Choice for which Place they will serve till their Elections be determined.

‘*Dec. 10, 1641.* Whereas the House of Commons has receiv’d Information, that Letters from Peers are directed to Boroughs, that are now to make Elections for Members to serve in this Parliament; they conceive that all Letters in that Nature, from any Peers of this Realm, do necessarily tend to the Violation of the Privilege of Parliament, and the Freedom of Election of Members that ought to serve in the House of Commons; and do declare, That, notwithstanding such Letters, all Persons to whom Elections of Knights and Burgesses do belong, ought to proceed to their Elections with that Freedom, which, by the Laws of the Realm, and by Right, they ought to do; and do expect that, if any such Letters, from any Peers of the Realm, shall hereafter be sent unto them, the Parties receiving the same certify the Contents thereof, and bring the Letters themselves to the Speaker of the House of Commons.

‘Resolved, That the Knights, Citizens, Burgesses, and Barons of the Cinque Ports, shall send Copies of this Order to the several Counties, Cities, Boroughs, and Cinque Ports respectively.

‘*Nov. 17, 1645.* Resolved, &c. That this House doth declare and order, That all Elections of any Knight, Citizen, or Burgess to serve in Parliament, be made without Interruption or Molestation by any Com-

Commander, Governor, Officer, or Soldier, that hath not, in the County, City, or Borough respectively, Right of electing; and that this Order be sent to *Reading* at the next Election; and, it is further ordered, that this Order be printed.

‘ *Sept. 5, 1654.* Resolved, That no Petition against an Election of such Members as are already returned for *England* or *Scotland*, shall be received by the Committee of Privileges after three Weeks from this Day.

‘ *Feb. 1, 1657.* Resolved, That in all Cases of double Returns, or more for one and the same Place, none that are so returned, unless they be named in both, or all the Returns, do sit untill the House have first determined touching the said Returns or Elections.

‘ Resolved, That the Committee of Privileges do examine and determine Elections upon double Returns, or more, in the first Place, and report the same to the House with all the Speed that may be.

‘ *April 26, 1660.* Resolved, &c. That all Members upon double Returns do forbear to sit, till the Point of double Returns be determined, unless they be returned in several Indentures; and such who are returned in the several Indentures may sit.

‘ The same *May 11, 1661.* *March 18, 1678.* The same every Session.

‘ Resolved, &c. That the Committee have Power to examine and consider all Questions, which shall grow and arise this Parliament about Elections and Returns, and other Privileges, and to acquaint the House with their Proceedings from Time to Time; and all the double Returns to be first taken into Consideration, and reported to the House; and they are to meet in the Exchequer Chamber this Afternoon at Two o’Clock, and every *Tuesday, Thursday,* and *Saturday* in the Afternoon, with Power to send for Persons, Papers, Writings, and Records, and what else may conduce to the Business.

‘ *May 26, 1660.* Ordered, That the Members of this House, who are doubly elected, and neither of their Elections questioned, do make their Elections
by

by *Thursday* next, or, in Default thereof, the House to elect for them.

‘ *July 20, 1660.* This House doth declare it to be a fundamental Order of this House, that the proper Officer (except only in Cases of Impotency or Sickness) ought to amend in the House all Returns of Elections, where, upon an Error committed in the Return, the House shall see Cause to order an Amendment.

‘ *May 11, 1661.* Resolved, That this Committee do meet this Afternoon at Two o’Clock in the Exchequer Chamber, and every *Tuesday, Thursday, and Saturday* at Two o’Clock in the Afternoon, in the Place before-mentioned, and do take into Consideration all such Matters as shall or may come in Question, touching Returns, Elections, and Privileges, and to proceed upon double Returns in the first Place, and to report their Proceedings to the House.

‘ And all Persons that will question double Returns already made, are to do it in fourteen Days next, and so in fourteen Days after any new Return shall be brought in; and the Committee is to have Power to receive Petitions, and to send for Witnesses, Papers, and Records, for their Information, and to make Report of any Matter which shall concern Breach of Privilege; and all Members that are returned, for two or more Places, are to make their Elections, by this Day three Weeks, for which Place they will serve, provided there be no Question upon the Return for that Place; and if any Thing shall come in Question touching the Return, or Matter of Privilege, of any Member of this Committee; such Member is to withdraw from the Committee, during the Time the Matter which concerns himself is in Debate.

‘ This Order revived every Session.

‘ *May 31, 1661.* Ordered, That such Persons as have exhibited Petitions to the Committee of Privileges and Elections, without subscribing their Names thereto, have Leave to subscribe their Names to the said Petitions, and that the Committee do accept thereof, though the Time limited for exhibiting Petitions be elapsed.

‘ *Nov.*

‘ *Nov. 22, 1662.* Resolved, That, for the future, when any Writ shall be deliver’d for a new Election of any Member to serve in Parliament, the Party that doth receive the Writ shall deliver, or cause the same to be forthwith sent and delivered, to the proper Officer of the Place for the Election to be made.

‘ *April 30, 1662.* Resolved, That this House doth agree with the Committee, That Notice of all Elections of Members, to serve for Shire Towns in *Wales*, ought to be given to the Out-Corporations and Boroughs in such Shire.

‘ *March 30, 1668.* Resolved, That this House doth declare, That there is no Fee due for Orders or Writs of Elections upon the Admission of Members into the House.

‘ *Jan. 18, 1670.* Information being given to the House of an Endeavour to forestall a free Election, by issuing out Papers in the Nature of Warrants to pre-engage the Country before any Writ issuing, and several of the said Papers being delivered in at the Table, and being, upon the Question, ordered to be read; and being read accordingly, resolved, &c. That the sending of Warrants, or Letters in the Nature of Warrants, or Letters to High-Constables, or other Electors, when a Knight of the Shire, or other Member, is to be chosen to serve in Parliament, or threatening in the Electors, is unparliamentary, and a Violation of the Rights of Electors.

‘ *April 13, 1675.* Ordered, That Mr. Speaker do give Order to the Clerk of the Crown to take Care that the Writs for Elections of new Members be delivered to the Sheriff, or proper Officer.

‘ *April 2, 1677.* Resolved, &c. That if any Person hereafter to be elected into a Place for to sit and serve in the House of Commons for any County, City, Town, Port, or Borough, after the Test, or the issuing out of the Writ or Writs of Election, upon the calling or summoning of any Parliaments hereafter, or after any such Place becomes vacant hereafter, in the Time of Parliament, shall, by himself, or by any other on his Behalf, at his Charge,

or at any Person or Persons, having Voice in any such Election, any Meat, Drink, exceeding in the true Value Ten-pence in the whole, in any Place, or Places, but in his own Dwelling-House or Habitation, being the usual Place of his Abode for five Months last past; or before such Election be made, or declared, make any other Present, Gift, or Reward, or any Promise, Obligation, or Engagement to do the same, either to any such Person, or Persons, in particular, or to any such County, City, Town, Port, or Borough, in general, or to and for the Use and Benefit of them, or any of them, every such Entertainment, Present, Gift or Promise, Obligation or Engagement, is, by this House, declared to be Bribery; and such Entertainment, Present, Gift, Reward, Promise, Obligation, or Engagement, being duly proved, is, and shall be, a sufficient Ground, Cause, and Matter, to make every such Election void, as to the Person so offending, and to render the Person so elected incapable to sit in Parliament by such Election; and hereof the Committee of Elections and Privileges is appointed to take especial Notice and Care to act and determine Matters coming before them accordingly.

‘ Resolved, &c. That the said Order against excessive Drinking at Elections be a further Instruction to the Committee of Elections; and that it be, from Time to Time, entered amongst the constant and standing Powers and Instructions given by the House of Commons to the said Committee.

‘ Continued a Standing Order *May 23, 1678, and October 21, 1678.*

‘ *March 19, 1678.* The House taking Notice of several Complaints in the Petitions this Day read, of divers Misdemeanors and undue Practices of Sheriffs, Mayors, Bailiffs, and other Officers, in the Elections and Returns of Members to serve in Parliament, ordered, That it be an Instruction to the Committee of Privileges and Elections, That they do examine, and make a special Report of all Miscarriages and undue Practices in Sheriffs, Mayors, Bailiffs, or other Officers concerned in the returning of Mem-
bers

bers elected to serve in Parliament, as likewise of all undue Practices, Letters, Promises, Threats, or Oppressions in any Elections.

‘ *October 21, 1678.* Ordered, That Mr. Speaker be desired to give Notice to the Clerk of the Crown to take Care that the Writs, for the new Elections, be delivered to the Hands of the Sheriffs of the respective Counties, and that the House do expect an Account hereof.

‘ *May 17, 1679.* Ordered, That the Chairman of the Committee of Privileges and Elections do make a special Report of the Miscarriages of Sheriffs, and other Officers concerned in the Return of Members to serve in Parliament, as well as in the Elections that have been already examined by the said Committee, as shall hereafter come before them.

‘ *May 22, 1681. 1 Jac. II.* Ordered, That all Members returned upon double Returns do withdraw till their Returns be determined.

‘ Ordered, That the House do proceed upon double Returns, in the first Place, before any other controverted Elections.

‘ Ordered, That all Members, who are returned for two or more Places (except such Members as are beyond Sea) do make their Elections in seven Days next after for which of the Places they will serve, provided there be no Question upon the Return for such Places.

‘ *Revived Nov. 22, 1708. 7 Anne.*

‘ *June 2, 1685.* Resolved, That no Mayor can duly return himself a Burgess to serve in Parliament for the same Borough of which he is Mayor at the Time of the Election.

‘ Resolved, That no Mayor, Bailiff, or other Officer, to whom the Precept ought to be directed, is capable of being elected to serve in Parliament for the same Borough of which he is Mayor, Bailiff, or Officer, at the Time of the Election.

‘ *Jan. 23, 1688.* Resolved, That where any Vacancies have already happen’d, or shall hereafter happen, by Death, or Removal of any Member or double Return, Mr. Speaker do, for the future, upon Motion

to this House, by his Letter, make Application to his Highness the Prince of *Orange*, desiring him to issue out his Letter, directed to the respective Coroner, or Coroners, or Chief Magistrate, (as formerly) for supplying such Vacancies by electing other Members therein.

‘ *Jan. 23, 1688.* The House being informed that it was an antient Order and Custom of the House, that, upon new Members coming into the House, they be introduced to the Table between two Members, and make their Obeisance as they go up, that they may be the better known to the House, resolved, That the said Order and Custom be, for the future, observed.

‘ *Jan. 28, 1688.* Ordered, That the Chairman of the Committee of Privileges be impowered to receive Petitions concerning Elections of Members to serve in this present Convention, and that the Petitions be numbered as they come in, and heard in Course, as the same shall be brought in to the Committee.

‘ *April 12, 1690.* Resolved, That after a Return is made into the Crown-Office of Members to serve in Parliament, the same shall not be altered by the Sheriffs, or the Clerk of the Crown, or by any other but by this House.

‘ *April 30, 1690.* Resolved, That Quakers having a Freehold, and refusing to take the Oaths when tendered by the Sheriff, are incapable of giving their Votes for Knights of the Shire for that Reason.

‘ *Jan. 12, 1693.* Ordered and declared, That the Hearings upon Petitions concerning the Elections, before the Committee of Elections and Privileges, be heard in Priority and Course, as they are set down, and appointed to be heard by the said Committee.

‘ *Feb. 12, 1693.* Evidence admitted to unqualify Freeholders, who had sworn themselves such at *Cambridge County Election.*

‘ *Dec. 7, 1694.* A Complaint being made to the House, That the Writ for electing of a Knight to serve in this present Parliament, for the County of *Cardigan*, was not delivered to the Sheriffs, resolved,

That

That all Writs, for electing of Members to serve in Parliament, be immediately sent to the proper Officer for Execution thereof with all convenient Speed.

‘ *Dec. 7, 1695.* Declared, That, in case of double Returns, any Party so returned may (within fourteen Days after the Matter, touching the Return, be determined) petition as to the Merits of Election.

‘ *Jan. 16, 1695.* Resolved, That the House doth agree with the Committee in the Resolution, that Evidence ought not to be admitted to disqualify an Elector as no Freeholder, who at the Election swore himself to be a Freeholder.—*Surry and Hertford Elections.*

‘ *Nov. 25, 1695.* Ordered, That it be an Instruction to the Committee, that they do admit but two Counsel of a Side to be heard in any Cause before them.

‘ Revived *Oct. 12, 1696; Dec. 12, 1698; and Nov. 16, 1699.*

‘ Afterwards added, (upon the Matter of controverted Elections) *Nov. 22, 1708.*

‘ *Dec. 22, 1698.* Resolved, *Nemine Contradicente*, That no Alien (not being a Denizen or naturalized) hath any Right to vote in Elections of Members to serve in Parliament.

‘ *Jan. 24, 1698.* Ordered, That the Committee of Privileges and Elections be impowered, from Time to Time, to alter, in Course, the Days of Hearing the said Causes, as they shall happen to be postponed.

‘ *Dec. 21, 1699.* Resolved, That it is the Opinion of this Committee, that if any Person, having a Right to vote for two Members to serve in Parliament, shall give a single Vote, such Person hath no Right to come afterwards and give his second Vote during the said Election.

‘ *Dec. 14, 1699.* Resolved, *Nemine Contradicente*, That no Peer of this Kingdom hath any Right to give his Vote in the Election of any Member to serve in Parliament.

‘ Revived *Nov. 9, 1703; Nov. 22, 1708; and every Session since.*

‘ *Feb. 13, 1700, 12 Gul. III.* Resolved, *Nemine Contradicente*, That where the House shall judge any Petition touching the Elections to be frivolous and vexatious, the House will order Satisfaction to be made to the Person petitioned against.

‘ Resolved, *Nemine Contradicente*, That in case it shall appear any Person hath procured himself to be elected or returned as a Member of this House, or endeavoured so to be, by Bribery, or any other corrupt Practices, this House will proceed with the utmost Severity against such Person.

‘ Revived every Session since.

‘ *Feb. 15, 1700, 3 Gul. III.* Resolved, *Nemine Contradicente*, That for any Peer of this Kingdom, or any Lord-Lieutenant of any County, to concern themselves in the Election of Members to serve for the Commons in Parliament, is a high Infringement of the Liberties and Privileges of the Commons of England.

‘ Afterwards of *Great-Britain, Nov. 22, 1708.*

‘ *Feb. 21, 1700.* Resolved, That if it shall appear that any Person hath tampered with any Witness, in respect of their Evidence to be given to this House, or any Committee thereof, or, directly or indirectly, endeavoured to deter or hinder any Person from appearing, or giving Evidence, the same is declared to be a high Crime and Misdemeanor, and this House will proceed with the utmost Severity against such Offenders.

‘ Resolved, That if it shall appear that any Person hath given false Evidence in any Cause before this House, or any Committee thereof, this House will proceed with the utmost Severity against such Offenders.

‘ These Orders revived every Session.

‘ *Jan. 26, 1703.* Mr. *Freeman*, according to Order, reported from the Committee of the whole House, to whom it was referred, to consider of the Report of the *Journals* of the House of Lords, touching the Case of *Ashby* and *White*, and the Case of *Bernardiston* and *Soame*, the Resolutions which they had directed him to report to the House; which he read in his Place,

Place, and afterwards delivered in at the Clerk's Table, where the same were read, and are as follow, viz.

' 1. Resolved, That it is the Opinion of this Committee, That, according to the known Laws and Usage of Parliament, it is the sole Right of the Commons of *England*, in Parliament assembled, (except in Cases otherwise provided for by Act of Parliament) to examine all Matters relating to the Rights of Elections of their own Members.

' 2. Resolved, That it is the Opinion of this Committee, That, according to the known Laws and Usage of Parliament, neither the Qualification of any Elector, or the Right of any Person elected, is cognizable or determinable elsewhere than before the House of Commons of *England*, in Parliament assembled, except in such Cases as are especially provided for by Act of Parliament.

' 3. Resolved, That it is the Opinion of this Committee, That the examining and determining the Qualification or Right of any Elector, or any Person elected to serve in Parliament in any Court of Law, or elsewhere, than before the Commons of *England*, in Parliament assembled, (except in such Cases as are especially provided for by Act of Parliament) will expose all Mayors, Bailiffs, and other Officers, who are obliged to take the Poll and make a Return thereupon, to a Multiplicity of Actions, Vexations, Suits, and insupportable Expences, as will subject them to different and independent Jurisdictions, and inconsistent Determinations in the same Case without Relief.

' 4. Resolved, That it is the Opinion of this Committee, that *Matthew Ashby* having, in Contempt of the Jurisdiction of this House, commenced and prosecuted an Action at Common Law against *William White* and others, the Constables of *Aylesbury*, for not receiving his Vote at an Election of Burgesses to serve in Parliament for the said Borough of *Aylesbury*, is guilty of a Breach of the Privilege of this House.

' 5. Resolved, That it is the Opinion of this
Com-

Committee, that whosoever shall presume to commence or prosecute any Action, Indictment, or Information, which shall bring the Right of the Electors, or Persons elected to serve in Parliament, to the Determination of any other Jurisdiction than that of the House of Commons, (except in Cases especially provided for by Act of Parliament) such Person or Persons, and all Attornies, Solicitors, Counsellors, and Serjeants at Law, soliciting, prosecuting, or pleading in any such Case, are guilty of a high Breach of the Privilege of this House.

‘ The said Resolutions being severally read a second Time, were, upon the Question severally put therupon, agreed unto by the House.

‘ Ordered, That the said Resolutions be fixed upon *Westminster* Hall Gates, signed by the Clerk.

‘ *Feb.* 18, 1707. Resolved, *First*, That all Matters that shall come in Question touching Returns or Elections, shall be heard at the Bar of the House.

‘ Revived *Nov.* 22, 1708.

‘ Resolved, *Secondly*, That all Questions at the Trial of Elections, if any Member insist upon it, be determined by Ballot.

‘ Vacated *Nov.* 22, 1708.

‘ Resolved, *Thirdly*, That all Petitions upon every new Parliament, relating to Elections and Returns, be deliver’d to the Clerk of the House, and be by him laid upon the Table before the Speaker be chosen.

‘ Revived *Nov.* 22, 1708.

‘ Ordered, That the said Resolutions be Standing Orders of the House.

‘ Mr. Speaker to send the said Resolutions to the Sheriffs of the several Counties of *Great-Britain*, to be by them communicated to the Chief Officers of the several Cities, Corporations, and Boroughs sending Members to Parliament in their respective Counties.

‘ *Nov.* 27, 1708, 7 *Annæ*. Ordered, That all Persons that will question any Election to be made upon new Writs, do present their Petitions within fourteen Days after the Return shall be delivered to the Clerk of the Crown.

‘ Ordered,

‘ Ordered, That the Counsel retained to be heard at the Bar in Causes upon controverted Elections, be called in at Eleven o’Clock those Mornings that are appointed for such Hearings.

‘ *March 9, 1708.* Ordered, That such Persons as shall think fit to renew their Petitions, complaining of undue Elections of Members to serve in this present Parliament, do present the same to the House the next Session of Parliament, according to antient Custom.

‘ *Nov. 16, 1709.* Ordered, That it be an Instruction to the Committee, that they do examine whether the Petition to them referred be the same, and signed by the same Parties, as those presented the last Session of Parliament.

‘ *Jan. 19, 1709.* The Committee of Elections having proceeded on That for *Roxborough*, and not being able to go through the same, and the House having ordered That for *Ross* to be heard To-morrow, desires the Direction of the House how the Committee should proceed.

‘ Ordered, That the Committee do proceed in, and go through, the Cause touching the Election for the Shire of *Roxborough*, before they enter upon any Cause.

‘ *Jan. 10, 1710, 9 Annæ.* ‘ Resolved, That the Petitioner be admitted to give parole Evidence of the Mortgage of a Mortgagee in Possession of Lands, for which the Mortgagee voted against the Petitioner, without producing the Mortgage Deed.

‘ Resolved, That the Decree of a Baron Court be admitted to be read as Evidence, to prove the sitting Member’s Possession of those Lands for which he voted at the Election for the Shire of *Kinross*, though it was not produced when the Objection was made to his Possession.

‘ *March 9, 1713.* Mr. *Freeman*, according to Order, reported from the Committee, who were to consider of the Act of the 9th Year of her Majesty’s Reign, intituled, *An Act for securing the Freedom of Parliament, by the further qualifying the Members to sit in the House of Commons*, the Resolutions they

they had directed him to report to the House, which he read in his Place, and afterwards delivered in at the Clerk's Table, where they were read, and are as follow, *viz.*

‘ Resolved, *First*, That it is the Opinion of this Committee, That, notwithstanding the Oath taken by any Candidate at or after any Election, his Qualification may be afterwards examined into.

‘ Resolved, *Secondly*, That it is the Opinion of this Committee, That the Person, whose Qualification is expressly objected to in any Petition relating to his Election, shall (within fifteen Days after the Petition is read) give to the Clerk of the House of Commons a Paper signed by himself, containing a Rental, or Particular, of the Lands, Tenements, or Hereditaments, whereby he makes out his Qualification, of which any Person concerned may have a Copy.

‘ Resolved, *Thirdly*, That it is the Opinion of this Committee, That if a sitting Member shall think fit to question the Qualification of a Petitioner, he shall (within fifteen Days after the Petition is read) leave Notice thereof in Writing with the Clerk of the House of Commons; and the Petitioner shall, in such Case, (within fifteen Days after such Notice) leave with the said Clerk of the House the like Account in Writing, of his Qualification, as is required from a sitting Member.

‘ The said Resolutions being severally read a second Time, were, upon the Questions severally put thereupon, agreed unto by the House.

‘ The same agreed to *March 23, 1714.* Made Standing Orders *Feb. 21, 1716, Nov. 21, 1717.*

‘ *March 18, 1727.* Resolved, That in all Cases on double Returns, where the same shall be controverted, either at the Bar of the House, or in Committees of Privileges and Elections, the Counsel for such Person, who shall be first named in such double Return, or whose double Return shall be immediately annexed to the Writ or Precept, shall proceed in the first Place.

‘ Ordered and declared, That the said Order be a Standing Order of the House.

‘ *May 11, 1733.* Resolved, That the Right of Election of a Preses and Clerk, is in such Persons as stand upon the Roll last made up by the Freeholders at the *Michaelmas* Head-Court, or at the last Election of a Member to serve in Parliament.

‘ *Feb. 6, 1734.* Resolved, That on the Petition of any Elector, or Electors, for any County, City, or Place, sending Members to Parliament, complaining of an undue Election and Return, and alledging that some other Person was duly elected, and ought to have been returned; the sitting Member so complained of may demand and examine into the Qualification of such Person so alledged to be duly elected, in the same Manner as if such Person had himself petitioned.

‘ Ordered, That the said Resolution be declared to be a Standing Order of the House.

‘ *Jan. 16, 1735.* Ordered, That the Counsel at the Bar of this House, or before the Committee of Privileges and Elections, be restrained from offering Evidence, touching the Legality of Votes for Members to serve in Parliament for any County, Shire, City, Borough, Cinque Port, or Place, contrary to the last Determination of the House of Commons, which Determination, by an Act passed in the second Year of his present Majesty’s Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament*, is made final to all Intents and Purposes whatsoever, any Usage to the contrary notwithstanding.

‘ Ordered, That the said Order be a Standing Order of the House.

‘ Resolved, That in all Cases of controverted Elections for Counties in *England* and *Wales*, to be heard at the Bar of this House, or before the Committee of Privileges and Elections, the Petitioners do by themselves, or by their Agents, within a convenient Time to be appointed, either by the House, or the Committee of Privileges and Elections, as the Matter to be heard shall be before the House, or the said Committee, deliver to the sitting Members, or their Agents, Lists of the Persons intended by the
Peti-

278 A P P E N D I X.

Petitioner to be objected to, who voted for the sitting Members, giving in the said Lists the several Heads of Objections, and distinguishing the same against the Names of the Voters excepted to; and that the sitting Members do, by themselves, or by their Agents, within the same Time, deliver the like Lists, on their Part, to the Petitioners' Agents.

‘ *Feb. 26, 1735.* Resolved, That the Counsel for the Petitioners be admitted to give parole Evidence, as to Persons being no Freeholders at the Time of the Election, who swore themselves then to be Freeholders.

‘ *March 2, 1735.* Resolved, That the Counsel for the Petitioners be admitted to give Evidence to what a Voter confessed of his having no Freehold, who, at the Time of the Election, swore he had.

‘ *Dec. 22, 1741.* Resolved, That it appears to this House that a Body of armed Soldiers, headed by Officers, did (on *Friday* the eighth Day of *May* last) come in a Military Manner and take Possession of the Church Yard of *St. Paul's, Covent-Garden*, near the Place where the Poll (for the Election of Citizens to serve in this present Parliament for the City of *Westminster*) was taken, before the said Election was ended.

‘ Resolved, That the Presence of a regular Body of armed Soldiers, at an Election of Members to serve in Parliament, is an high Infringement of the Liberties of the Subject, and manifest Violation of the Freedom of Elections, and an open Defiance of the Laws and Constitution of this Kingdom.

Orders for ball-
lotting in contro-
verted Elections.

‘ *Feb. 21, 1707.* Mr. *Benson* reported from the Committee appointed to consider of proper Methods for the more speedy and easy trying and determining of controverted Elections, and to whom it was referred to consider of a proper Method for ballotting, &c. several Resolutions, viz.

‘ Resolved, That it is the Opinion of this Committee, That a Ballotting-Box and Balls be prepared.

‘ Resolved, That it is the Opinion of this Committee, That two Clerks attend the Ballotting, one

to deliver the Balls to the Member, and the other to carry the Box.

‘ Resolved, That it is the Opinion of this Committee, That such Member prepare his Hand bare and open to receive the Ball; and that he hold it up between his Fingers before he puts his Hand into the Box; and that the Box be immediately brought to the Table, and the Votes counted there by the Clerk, in the Presence of the said Members.

‘ Resolved, That it is the Opinion of this Committee, That all Members sit in their Places till the Votes are given, and the Affirmative or Negative declared by the Speaker.

‘ The said Resolutions being severally read a second Time, were, upon the Question severally put thereupon, agreed unto by the House.

‘ Ordered, That the said Resolutions be Standing Orders of the House.

‘ Vacated, *per Order*, Nov. 22, 1708.

‘ April 18, 1604. *1 Jac.* Such Bills as came down from the Lords, and passed this House, when they are sent up again are to be presented first, before any other Bills which had their first Beginning and Passage in this House; next the public Case, the private Bills of this House. Orders touching Bills in general.

‘ April 27, 1604. *1 Jac.* Agreed for a Rule, If any Doubt arise upon any Bill, the Speaker is to explain, but not to sway the House with any Argument or Dispute.

‘ The Petition touching the Abuses of Purveyors, brought in by Mr. *Hare* from the Committee in Parliament, which was against Orders, and thereupon a Rule conceived, that no Petition, Bill, or other Thing to be treated in Parliament, ought to be privately delivered into the House ready ingrossed, but in Paper; and this Petition delivered in by Mr. *Hare* shall be no Precedent for the Time to come.

‘ May 19, 1604. *1 Jac.* Rule agreed, No double Questions upon the passing of a Bill, though sometimes upon the committing it is double, if the Voice or Question be not clear.

May

May 23, 1604. *1 Jac.* Resolved and ordered, That, for this Time, all Questions should cease touching those Matters, with this Caution and Care, proceeding from a tender Regard of the Privilege of this House, that it should be presently registred as the Judgment of the House, that no Speaker from henceforth should deliver a Bill, whereof the House standeth possessed, to any whomsoever, without the Allowance and Leave as aforesaid; but that he had, or might either shew it, or deliver a Copy of it, as seemed meet unto him.

‘ An Order moved and agreed, That no Bill, whereof the House is clearly possessed, be delivered to any before the House has Notice, and give Leave.

‘ Admitted, That a Copy may be delivered, or it may be shewed, to his Majesty.

‘ The Speaker reading the Title in his Chair, a Possession.

‘ *June 4, 1604.* Agreed for Rule, If two stand up to speak to a Bill, he against the Bill (being known by Demand, or otherwise) to be first heard.

‘ *June 24, 1604.* *1 Jac.* Rule agreed, That if a Bill be continued in Speech, from Day to Day, one Man may not speak twice to the Matter of the same Bill.

‘ *June 25, 1604.* Upon Motion, Such as sat against the Bill went forth of the House and brought in the Bill in their Hands, which is according to ancient Order; and was now moved, and done once in a Parliament for preserving Memory of the Order, and so expressed by the Mover.

‘ *Feb. 13, 1606.* The Remembrances (formerly set down and read, being privately delivered to the Clerk by Sir *Henry Montague*, the Day of the late Adjournment) were required by the House to be delivered openly.

Feb. 21, 1606. Upon this Report it was much disputed in the House, whether it were fit to handle the Point of Conveniency before the Point of Law in the Case of Naturalization in general were determined, and the Opinion was not to be fit.

‘ It

A P P E N D I X. 281

‘ It was delivered for a Rule, That no Judgment, but upon a Bill; Opinion, without a Bill.

‘ *March 3, 1606.* Ordered, upon Mr. Speaker’s Motion, That when they proceed to the Amendment of any Bill committed unto them, they should also amend the Brief annex’d, and make it agree with the Bill.

‘ *May 5, 1607.* The Counsel in the Bill touching the *Marshalsea* Court were ordered for hearing, and it was questioned (as now the State of the Bill was) whether the Counsel *pro* or *contra* should begin first: After some Dispute, affirmed by Mr. Speaker, That, upon the Report against the Bill, the Counsel *pro* ought to be first heard; yet upon the Question, and some Circumstances opened, resolved, It should be now received as *Res integra*, and the Counsel against the Bill (according to the known Rule) be first heard.

‘ *April 11, 1611. 12 Jac.* Sir *Edwin Sandys* moved, That no Bill may be read the second Time untill half an Hour past Eight, and the third Time be past Nine o’Clock; and it was ordered accordingly.

‘ *Feb. 7, 1620. 18 Jac.* No Bills to be put to pass till past Nine of the Clock, and Notice to be given a Day before that Bills shall be passed the next Day; and both ordered.

‘ *March 12, 1620.* Resolved, That a Bill, and other public Bills, may be secondly read by half an Hour after Eight o’Clock.

‘ *March 15, 1620.* Ordered, That, upon the committing of every Bill of Grace, the Clerk shall deliver to the Committee the Note of all his Books concerning that Business, and the old Draught of it, which was last Meeting in Parliament, if it be to be had.

‘ *May 26, 1621. 19 Jac.* A Proviso in Paper, admitted for a Rule, that not being in Parchment it might not be put to the Question.

‘ *May 28, 1621.* An essential Order, That the Amendments be twice read.

‘ *May 30, 1621.* An essential Order, A Proviso from the Lords to be read thrice, tho’ the Bill come from

from the Lower House; and, by Vote of the House, to pass as a Law.

‘ *Nov. 29, 1621.* Resolved, That when any Bill is committed one shall be named to take the Bill.

‘ *March 26, 1626.* 1 *Car.* Mr. *Haynes* tendereth a Proviso, engrossed in Parliament for the City of *Exon.*

‘ Mr. *Banks* having, upon the second Reading of this Proviso, spoken to it; and the Proviso being thirdly read, he offered to stand up again and speak, and was by divers interrupted, because he had spoke before; but,

‘ Resolved by the House, That, upon a new Reading, he may speak again.

‘ *Jan. 20, 1627.* 4 *Car.* Ordered, That, upon the committing every public Bill, one of the Committee be specially named by the House to take Care of the Bill.

‘ *Dec. 5, 1640.* Ordered, That no Bills have their second Reading but between Nine and Twelve o’Clock.

‘ *July 16, 1642.* A Bill brought from the Lords, delivered by the Messengers without reading the Title, which ought to have been done, at which the House took Offence; but, in regard of the great Business, the House took no more Notice of it at this Time.

‘ *May 11, 1644.* Resolved, That it is an unparliamentary Way to send down Reasons in another Paper, to any Bill or Ordinance, at the first Beginning of sending down any Bill or Ordinance.

‘ *August 24, 1644.* Ordered, That whatsoever Ordinance shall be committed by this House, shall, after the Return from the Commitment, be read the third Time before it pass from thence to be sent to the Lords.

‘ *May 2, 1651.* Resolved, upon the Question, and the Parliament doth declare, That it is the Order of this House, that no Act ought to be presented to this House without a Brief thereof to be given to the Speaker; and that Mr. Speaker ought not to open any Bill, nor command the same to be read, unless a Brief thereof be first delivered unto him; and

nd that the said Order be from henceforth duly observed accordingly.

‘ *April 3, 1663.* Ordered, That the Reporter who does report the Amendments to any Bill do, after the same are agreed to by the House, see that the same be duly entered in the Bill, that the Bill may be rightly ingrossed.

‘ *Oct. 26, 1667.* Ordered, That no ingrossed Bill be brought in to be read till the same be examined by the Chairman of the Committee, to whom it was referred, and the Clerk of the House.

‘ *March 5, 1669.* Ordered, That all Bills shall receive Dispatch in Priority and Order of Time as they were brought in, and have been depending.

‘ *July 12, 1641.* Mr. *Maxwell* came down and acquainted this House, That the Lords did desire them to come up to the Passing of the Bill of Tonnage and Poundage by Commission. Orders touching bringing in and passing Bills of Aid and Supply.

‘ Message to the Lords by Sir *Henry Vane* :

‘ To acquaint the Lords, That this House being informed, by the Black-Rod, that their Lordships desired this House to come to the Passing of the Bill of Tonnage and Poundage, do desire that, in regard it is a free Gift of the Commons of *England*, and the Speaker of the House of Commons ought to present the same, their Lordships would be pleased to send the Bill to this House.

‘ Sir *Henry Vane*’s Answer of the Message to the Lords :

‘ That their Lordships had taken it into Consideration, and will send Answer by Messengers of their own.

‘ *Note*, There is no Entry of any Answer sent, nor Return of the Bill : But,

‘ *Aug. 16, 1641.* A Message from the Lords by Sir *Robert Rich* and Mr. *Page* :

‘ The Lords sent them to give Notice, That now the Commission is come for giving the King’s Royal Assent to the Bill of Tonnage and Poundage, when this House shall be ready to bring it up.

‘ Answer returned by the same Messengers, That this House has taken into Consideration their Lord-

ships Message, and return this Answer; That they shall be ready to bring up that Bill when their Lordships shall please to send them Word that they desire they would bring it up.

‘ The Gentleman-Usher of the Lords’ House came and acquainted the House, That the Lords are ready to give his Majesty’s Royal Assent, by Commission, to the Bill of Tonnage and Poundage; and desire that the Speaker, and this House, would bring up the said Bill.

‘ *Jan. 26, 1641.* It was declared and acknowledged to be against the Fundamental Orders of the House, for any Member of the House, without special Order of the House, to bring in a Bill of Subsidy.

‘ *March 26, 1642.* The Bill of Subsidy being to be passed by Commission, resolved, upon the Question, That the House being desired by the Lords to be present at the passing of the Bill of 40,000 *l.* by Commission, that Mr. Speaker should go up, and if the Bill be delivered to Mr. Speaker before the Commission be read, that then he shall have Leave to present it to be passed; but if the Lords shall not deliver the Bill to Mr. Speaker’s Hands accordingly, that then he shall immediately return.

‘ *Nov. 2, 1643.* Ordered, That no Ordinance shall be brought in but with a Brief unto it; and that the Party that brings in an Ordinance shall bring in the Brief, and Mr. Speaker open the Ordinance; and that no Member shall bring in any Ordinance to charge the Subject, or raise any Money upon the Country, without an Order precedent in the House to direct the said Charge; and that Mr. Speaker do not permit any Ordinance to be read without such Brief, nor after Twelve o’Clock, unless it shall be otherwise directed by the House.

‘ *Nov. 10, 1645.* Ordered, That no Ordinance be brought in to charge the Subject, or to give any Thing from the Commonwealth, without special Order of the House first directing the same.

‘ *May 25, 1648.* Resolved, That no Motion be made for raising of new Forces or Monies for
the

the same, but between the Hours of Ten and Twelve o'Clock.

‘ *Feb. 18, 1667.* Resolved, That if any Motion be made in the House for any public Aid or Charge upon the People, the Consideration and Debate thereof ought not presently to be entered upon, but adjourned till such farther Day as the House shall think fit to appoint; and then it ought to be referred to the Committee of the whole House, and their Opinions to be reported thereupon, before any Resolution, or Vote of the House, do pass therein.

‘ *April 3, 1671.* The House then proceeded to the Reading the Amendments and Clauses sent from the Lords, to the Bill for an Imposition on foreign Commodities, which were once read; and the first Amendment sent from the Lords, being for changing the Proportion of the Impositions on white Sugars from *1d. per Pound* to an Half-penny Half-farthing, was read a second Time, and debated.

‘ Resolved, *Nem. Con.* That in all Aids given to the King, by the Commons, the Rate or Tax ought not to be altered by the Lords.

Nov. 3, 1673. A Debate arising in the House, touching the antient Order and Course of the House, in the Method of raising Supplies, and concerning the Precedency of the lesser Sum, the House, upon the Question, did resolve and declare it an antient Order of the House, That when there comes a Question between the greater and lesser Sum, or the longer or shorter Time, the least Sum and the longest Time ought first to be put to the Question.

July 3, 1678. Mr. Solicitor-General reports from the Committee to whom it was, amongst other Things, referred to prepare and draw up a State of the Rights of the Commons in granting of Money, a Vote agreed by the Committee, which he read in his Place, and afterwards delivered the same in at the Clerk's Table, where the same was read, and, upon the Question, agreed, and is as follows:

‘ Resolved, That all Aids and Supplies granted to his Majesty in Parliament are the sole Gift of the

Commons; and all Bills for granting such, if any such, Aids and Supplies ought to begin with the Commons; and it is the undoubted and sole Right of the Commons to direct, limit, and appoint, in all such Bills, the Ends, Purposes, Considerations, Conditions, Limitations, and Qualifications of such Grants, which ought not to be changed, or altered, by the House of Lords.

‘ *Feb. 17, 1693.* Resolved, That no Member of the House of Commons shall be concerned, directly or indirectly, in the farming, collecting, or managing of the Duties to be collected by this Bill, or any other Aid to be granted to their Majesties, other than the present Commissioners of the Treasury, and the Officers and Commissioners for managing the Customs and Excise.

‘ *Dec. 11, 1706, 5 Annæ.* Resolved, That this House will receive no Petitions for any Sum of Money relating to public Service, but what is recommended from the Crown.

‘ Declared a Standing Order *June 11, 1713.*

‘ *March 29, 1707.* Resolved, That this House will not proceed upon any Petition, Motion, or Bill for granting any Money, or relating to, or compounding, for any Sum of Money owing to the Crown, but in a Committee of the whole House; and that the same be declared a Standing Order of the House.

‘ Revived *April 14, 1707.*—*Feb. 7, 1708;* and *Nov. 29, 1710.*

‘ *Feb. 24, 1707.* Resolved, That no public Money be granted by Debentures, or otherwise, but by a Committee of Supply.

‘ Resolved, That no Disposition of the Public Money be made, or private Bill relating to the same read, but on a Day to be appointed for that Purpose.

‘ *April 23, 1713. 13 Annæ.* Resolved, That this House will not receive any Petition for compounding for any Sum of Money owing to the Crown, upon any Branch of the Revenue, without a Certificate from the proper Officer, or Officers, annexed to the said Petition, stating the Debt; what Prosecutions have been made for the Recovery of such Debt, and
setting

setting forth how much the Petitioner and his Sureties are able to satisfy thereof. Made a Standing Order *March 25, 1715.*

‘ *March 7, 1725.* Resolved, That this House will receive no more Petitions for enabling his Majesty to sell the Reversion of Crown Lands.

July 26, 1641. Ordered, That no public Bill shall pass but between Nine and Twelve o’Clock; and that if any Man shall move the Members of the House contrary to that, he shall incur the Censure of the House. Orders touching bringing in and passing public Bills, viz. Poor, Trade, Highways, Ports, and Harbours.

‘ *March 7, 1699.* Ordered and declared, That all Bills relating to the Poor be deem’d and taken to be public Bills, and pass without Fees for the same. The same *Feb. 25, 1700.*

‘ *Nov. 9, 1703.* Resolved, That no Bill relating to Trade, or the Alteration of Law concerning Trade, be brought into the House untill the Proposition shall have been first examined and debated in the Grand Committee for Trade, and agreed unto by the House.

‘ *March 13, 1716.* Resolved, That no Bill be ordered to be brought in on any Petition for repairing and amending any Highway, or for making or cleansing any Port or Harbour, or for making any River navigable, or for any other Work proposed to be carried on, by Tolls or Duties to be levied on the Subject, in particular Places, till such Petition has been reported, and referred to a Committee, and they have examined the Matter thereof, and reported the same to the House.

‘ *Feb. 28, 1734.* Ordered, *Nem. Con.* That the said Resolution be a Standing Order of the House.

‘ *Dec. 13, 1644.* Ordered, That no private Ordinance do pass this House, or be transmitted to the Lords, untill the Parties that are concerned therein do first pay such Fees for the same unto Mr. Speaker, the Clerk, Serjeant, and others belonging to the said House, as hath usually been paid upon the passing of private Bills; and all Members that, from Orders touching bringing in and passing private Bills.

any Committee, or otherwise, do present any Ordinance, wherein the Advantage or Benefit of any private Person is concerned, are desired to take Notice of this Order, and to acquaint the Persons that are, or shall be, concerned herewith; and to appoint them first to pay such antient and accustomed Fees, as aforesaid, to Mr. Speaker, the Clerk, and other the Officers of the said House.

‘ *Dec. 7, 1660.* Resolved, That private Bills and Business be proceeded in daily, till Nine o’Clock, in such Order as the House shall think fit; and that the Debate of such of them, as shall not be dispatched at the Hour of Nine, shall be adjourned till the next Day.

‘ *March 26, 1678.* Ordered, That in all private Bills, for the future, a Clause be inserted, That the Trustees therein named shall be obliged to see the Trusts in the said Bill performed, or be liable to the same out of their own Estates.

‘ *May 26, 1685.* Ordered, That, for the future, no private Bill be brought into this House, but upon a Petition first presented, truly stating the Case, at the Peril of the Parties preferring the same; and that such Petitions shall be signed by the Parties who are Sureties for such Bill.

‘ Made a Standing Order, *Nov. 24, 1699.*

‘ *Nov. 14, 1689.* A Debate arising touching the Manner how Petitions ought to be signed, resolved, That all Petitions presented to the House ought to be signed by the Petitioners, with their own Hands, by their Names or Marks.

‘ *May 6, 1690.* Ordered, That no ingrossed Bill be brought to the Table to be read the third Time, but by the Chairman of the Committee to whom that Bill was committed, after he hath examined the same.

‘ *May 13, 1690.* Ordered, That when any Bill shall be brought into this House, for confirming Letters Patent, there be a true Copy of such Letters Patent annexed to the Bill; and that this be declared a Standing Order of this House for the future.

‘ *Nov.*

‘ *Nov. 24, 1691.* Ordered, That no private Bill be proceeded upon after Ten o’Clock.

‘ *Revived Feb. 4, 1692.*—Enlarged untill Eleven o’Clock, *Feb. 16, 1692.*—*Nov. 24, 1699.*

‘ *Dec. 10, 1692.* Ordered, That every Member, presenting any Bill or Petition to this House, do go from his Place down to the Bar of the House, and bring the same up from thence to the Table.

‘ *Jan. 21, 1695.* Ordered, That every private Bill have a Day appointed for reading thereof before the same be read.

‘ *Jan. 15, 1697.* Ordered, That, upon the first Reading of every private Bill, a Time be appointed for a second Reading.

‘ *April 6, 1698.* Ordered, That no private Bill be read the third Time before Eleven o’Clock.

‘ *March 31, 1698.* Ordered, That the Chairman of the Committee, upon the Report of every private Bill, do acquaint the House, That the Allegations of the Bill have been examined; and that the Parties concerned have given their Consents to the Satisfaction of the Committee; and that the same be a Standing Order of the House.

‘ *Revived Feb. 15, 1700.*—*Jan. 18, 1708.*

‘ Ordered, That there be three Days between the several Readings of all private Bills. Made a Standing Order *Feb. 15, 1700.*—*Jan. 18, 1708.*

‘ Ordered, That the Chairman of the Committee, for any private Bill, do not sit thereupon, without a Week’s Notice thereof set up in the Lobby. Declared a Standing Order *Feb. 15, 1700.*—*Jan. 18, 1708.*

‘ *Jan. 15, 1705.* Ordered, That all Persons concerned in Interest in private Bills, in case they are able, do personally attend the Committee to give their Consents; and if they are not able personally to attend, that they give Certificates of their Consents, to be proved by one or more Witnesses before the Committee.

‘ *Nov. 12, 1705.* Ordered, That all private Bills brought into this House be printed, and that they be
printed

printed after they are presented to the House, and before the first Reading.

‘ Revived *Dec. 12, 1706. - Dec. 20, 1708. - Nov. 30, 1709.* Made a Standing Order *March 5, 1722.*

‘ *Feb. 6, 1707.* Resolved, That all Persons, intending to apply themselves to the Parliament of *Great-Britain* for obtaining private Bills relating to Estates in *Ireland*, do, from henceforth, give public Notice of their said Intention, by affixing printed Papers, setting forth their Pretensions in each of the four Courts of Justice in *Dublin*, during the whole Term which shall precede the Session of Parliament, as also in the Chief Town wherein the Assizes are usually kept in each County where the Lands shall happen to lie, for one Month at least before the Bill be brought in.

‘ Resolved, That there be thirty Days, at least, between the first and second Reading of every such private Bill.

‘ Resolved, That the said Orders be declared to be Standing Orders of the House.

‘ *March 5, 1722.* Ordered, That no private Bill be read before printed Copies thereof be delivered to the Members of the House.

‘ Ordered, That the said Order be a Standing Order of the House.

Orders relating
to Committees.

‘ *April 12, 1604. 1 Jac.* Upon Motion made touching the slow Proceedings and Dispatch of such Bills and Business as were depending in the House, which grew, as was said, by the Non-Attendance of sufficient Numbers at Committees, it was ordered, That eight of any Committee, that do assemble, might proceed to a Resolution in any Business in the House.

‘ *May 24, 1604.* It being proposed to the House, Whether any of the Commissioners in the Matter of the Treaty concerning the Weal of both Kingdoms (subscribing the Writings or Instruments in the Act mentioned) may, without Imputation or Prejudice, in Credit or Conscience, have the Liberty and Freedom of Voice in Parliament, notwithstanding the

the said Subscription, the House thereupon resolved, That no Man is, or ought to be, concluded in his Opinion by any such Subscription; but, as in case of other Committees, hath, and may have, his Liberty in the House to assent or dissent, as he shall see just Cause, the next Session of Parliament.

‘ *Feb. 11, 1606.* Ordered, That the Adjournment of any Committee amongst themselves should be published the next Day in the House.

‘ *March 7, 1606.* Mr *Hedley*, being assigned with the rest for the Point of Assurance, excuseth himself, in that he was directly against the Matter itself in Opinion thereupon.

‘ Conceived for a Rule, That no Man was to be employed that had declared himself against it.

‘ *April 18, 1614.* Moved, That the Clerk may set upon the House Door, that Morning, the Orders for Committees to sit that Day; and ordered.

‘ *April 19, 1621, 19 Jac.* Ordered, That no Petition be received, but openly at the Committee; and to be openly read at the Committee before the Party go that preferreth it, and the Party’s Name that so preferreth it.

‘ The appointing of the Chair, at the Committee, referred to the Direction of the Committee.

‘ *May 11, 1621.* Resolved, by the House, That, when limited, all that will come shall have Voice; that they, in that Case, if they come, are Committees as well as those nominated.

‘ *May 2, 1624, 22 Jac.* Ordered, That no Committee shall sit after Eight o’Clock, Sitting the House, without special Order.

‘ *April 25, 1627, 4 Car.* Resolved, upon the Question, That, upon the Meetings of any Committees, those that are Committees shall have Place given them, that they may the better discharge the Service committed to their Trust.

‘ *Jan. 30, 1627, 4 Car.* Ordered, upon the Question, That no Man go out of the House, during the Sitting of the Grand Committee, without Licence of the Committee, upon Pain of Censure of the House. The same Order *Feb. 19 and 20, 1627.*

‘ *Nov.*

292 A P P E N D I X.

‘ *Nov. 9, 1640.* Moved, That every Man that names any Man for a Committee shall stand up, and, being uncovered, name the Party.

‘ *Nov. 10, 1640.* It was declared, That, at the naming of a Committee, if any Man rise up to speak the Clerk ought not to write.

‘ *April 21, 1641.* Ordered, That the Doors shall be locked at the Committee, and the Keys brought up; and that no Man shall go out without Leave of the Committee.

‘ *June 28, 1641. P. M.* Declared, That so soon as the House sits, and the Serjeant comes to any Committee then sitting, to signify unto them that the House is sitting, that the Chairman shall immediately come away.

‘ *July 28, 1641. P. M.* The Petition of *Theophilus Man* read, touching the Resolution of the Committee where Mr. *King* hath the Chair, and signed by him; whereby Mr. *Man* is voted not to take any Fees (by virtue of his Office as Searcher) till further Order.

‘ Declared by the House, That no Committee ought, by Vote, to determine the Right and Property of the Subject, without first acquainting the House therewith.

‘ *Aug. 6, 1641. P. M.* Resolved, upon the Question, That no Vote passed at a Committee of this House, and not reported nor confirmed by the House, shall be any Rule or Direction, in any Court of Justice in *Westminster Hall*, to ground any Proceedings upon.

‘ *Oct. 17, 1641.* Ordered, That no Committee whatsoever shall be revived to sit without a new Order from the House, made after Eleven o’Clock; and that no Parties, or Witnesses, shall attend without new Summons.

‘ *April 30, 1642.* Ordered, That the several Chairmen of the several Committees be required to set up Notes at the Door, of the Times and Places when the several Committees do meet.

‘ *Feb. 12, 1648.* Ordered, That no Committee of the House do sit in the Morning after Nine o’Clock;
and

and the House to be enjoined to meet every Day at Nine in the Morning.

‘ *Dec. 20, 1650.* Resolved, That such Committees of the House (who shall have Occasion to call any other Persons to attend them upon any Bill, or other Business, to them referred) do, from henceforth, forbear to sit in any of the Rooms within the Doors of the Parliament-House, called the Speaker’s Chamber; but that they sit in such other Place as they shall think fit.

‘ *May 1, 1651.* Resolved, That every Order that shall be made by any Committee of Parliament shall, from henceforth, be signed by so many, at the least, of the Members of that Committee, as are of the *Quorum* of that Committee.

‘ *Jan. 21, 1657.* Ordered, That the Names of the several Committees be set up, without at the Door of this House, by the Clerk of this House, Tomorrow Morning.

‘ *May 26, 1660.* Ordered, That the Standing Committees of this House be posted up at the Door of this House, that Persons may take Notice where they sit.

‘ *May 14, 1661.* The Bill for securing the King’s Person committed.

‘ Resolved, upon the Question, That no Member of this House, who is not of this Committee, is to have any Vote thereat.

‘ *May 24, 1661.* A Bill for draining the Fens committed.

‘ Resolved, That no Member within the six Counties, (into which the great Level of the Fens doth extend) nor any other Members of this House, who are Undertakers, or concerned, in Point of Interest, as Adventurers or Undertakers herein, though particularly named, do sit, or have any Vote at the Committee to whom the two Bills concerning the great Level of the Fens were, upon the second Reading, this Day committed. This Order rectified *May 28, 1661.*

‘ Ordered, That all the Members of the six Counties, and all other Members of that, saving such as
are

are concern'd, in particular Interest, as Owners, Undertakers, or Adventurers, are to have Voice at the said Committee. The same Order extended *November 26, 1661.*

‘ Ordered, That no Members of the said Committee, that are Owners, Undertakers, or Adventurers, or otherwise concern'd, in Point of Interest, in the Fens in Question, shall have any Vote thereat.

‘ *May 20, 1663.* Ordered, That it be declared to be the antient Order and Course of the House, That when any Bill be committed, no private Member ought to take it away; but the Clerk of the House, or his Deputy, is to attend with the Bill, and Order, at the Time and Place appointed for the first Meeting of the Committee, and deliver the same in at the Committee after the Chairman is chosen.

‘ *March 16, 1688.* Mr. *Foley*, Chairman of the particular Committee for the Grievances, acquaints the House, That there have several Matters appeared to the Committee, relating to some Persons, Members of this House; and that therefore he was directed, by the Committee, to take the Directions of the House what was fit to be done therein, and a Debate arose thereupon.

‘ Resolved, That if any Member of the House refuses (upon being sent to) to come to give Evidence, or Information, as a Witness to a Committee, That the Committee ought to acquaint the House therewith, and not summon such Members to attend the Committee.

‘ Resolved, That if any Information come before any Committee, that chargeth any Member of the House, the Committee ought only to direct, That the House be acquainted with the Matter of such Information, without proceeding further thereupon.

‘ *March 13, 1693.* Resolved and declared, That it is the constant Rule and Order of the House, That no Committee ought to sit, after the Hour to which the House is adjourned, without the special Order of the House.

‘ Revived *March 6, 1695.*

‘ *Nov.*

A P P E N D I X. 295

‘ *Nov. 19, 1694.* Ordered, That no Committee sit, in a Morning, without special Leave of the House.

‘ Revived *February 9, 1697*; and *November 29, 1710.*

‘ *March 8, 1694.* Ordered and declared, That a Motion for adjourning of Committees may be made after One o’Clock.

‘ *Feb. 18, 1697.* Ordered, That no Committee, who shall have Leave to sit in a Morning, do sit after Ten o’Clock.

‘ Revived *March 1, 1698.*

‘ *April 19, 1699.* Ordered, That no Committee do meet, at any Time, untill two Hours after the Rising of the House.

‘ *Nov. 24, 1699.* Ordered, That the Chairman of the Committee, upon the Report of every private Bill, do acquaint the House, Whether the Allegations of the Bill have been examined, and the Parties concerned have given their Consents to the Satisfaction of the Committee.

‘ Ordered, That the Chairman of the Committee for any private Bill do not sit thereupon, without a Week’s Notice thereof set up in the Lobby. Declared to be Standing Orders *Feb. 16, 1700*; and *Jan. 18, 1708.*

‘ *Jan. 18, 1698.* A Complaint having been made to the House, That there have been, of late, great Numbers of Strangers at the Committee of Privileges and Elections, that the Members cannot, &c. ordered, That the Serjeant at Arms, attending this House, do give Orders to the Door-keepers, and Messengers of the House, constantly to attend the Committee of Privileges and Elections, and other Committees sitting in the House; and take Care that no Person do croud, or sit upon the Seats of the House, either below or above in the Gallery, where the Members ought to sit; and that such Witnesses as shall be examined at the said Committee do attend in the Lobby, and be called in one by one, and severally examined, and then withdraw for others to come in and
be

be examined; and that the Passage be kept clear for that Purpose.

‘ Revived, and made a Standing Order of the House, *Dec.* 16, 1699; and *Dec.* 8, 1711.

‘ *Jan.* 29, 1699. Ordered, That the Order touching Committees being adjourned, at the Rising of the House, do extend only to such Committees as are to sit in the Afternoons of the Days upon which Committees shall be adjourned.

‘ *Feb.* 28, 1699. Ordered, That all Committees who shall sit in a Morning do rise when the House sits; or, in Default thereof, that what they shall do after the Sitting of the House be void.

‘ Revived *Feb.* 3, 1701.

‘ *March* 11, 1700. Resolved, That in case (upon the Days the Committee of Privileges and Elections is to sit) there shall be a Debate in the House, which holds till Four o’Clock, the said Debate shall be then adjourned till a further Day.

‘ *Nov.* 28, 1707. Ordered, That no Committee do meet, or sit, in a Morning, after Prayers; and that all that shall be done at any Meeting or Sitting of any Committee, after that Time, be void; and that Mr. Speaker do, from Time to Time, acquaint the House with such Committees as shall not observe this Order.

‘ *Feb.* 10, 1730. Ordered, That the Serjeant at Arms, attending this House, do, from Time to Time, when the House is going to Prayers, give Notice thereof to all the Committees; and that all Proceedings of Committees, in a Morning, after such Notice be declared, be null and void.

Orders touching
Conferences.

‘ *March* 26, 1604, 1 *Jac.* Noted, as an antient Rule of the House, That, upon any Conference, the Number of the Commons named for the said Conference are always double to those of the Lords; and the Place of Meeting appointed by the Lords.

‘ *April* 2, 1604. Two Questions arising, *viz.* *First*, Whether the House were resolved in the Matter?

‘ *Secondly*,

‘ *Secondly*, Whether they should confer with the Judges ?

‘ And the House being at length induced to entertain the latter Question, it was carried, by general Voice, in the Negative, No Conference.

‘ Upon this Passage it was urged for a Rule, That a Question being once made, and carried in the Affirmative, or Negative, cannot be questioned again; but must stand as a Judgment of the House.

‘ *March 15, 1620, 18 Jac.* Resolved, That in prescribing of Conferences between both Houses moving from the Lords, they have done it verbally upon the Lords Report, entered into their Journal-Book; yet now order for the House to afford the Lords the Expite about the Business, because it consists of so many Heads; but *Sir Edward Coke* to move the Lords this may not hereafter be taken for Precedent. *Vide the Report.* ^a

‘ *May 12, 1627, 4 Car.* Ordered, That all the Gentlemen give Room to the Reporters.

‘ *Aug. 3, 1641.* Ordered, That *Sir John Evelyn*, *Mr. Stroude*, and *Mr. Nichols*, are to go and take the Names of such Members as do now stay behind in the Painted Chamber; and likewise it is ordered, That such of the Members, whose Names are returned by them, shall pay Five Shillings a-piece; and that the Clerk shall demand the Five Shillings of the said Gentlemen accordingly.

‘ *Feb. 26, 1643.* Ordered, That *Sir Thomas Cheeke* do desire the Earl of *Stamford* to forbear coming to the Committees of this House, it being contrary to the Privilege of the House.

‘ The Lords’ Order, *Feb. 21, 1647*, Declaring the Right of every Peer to come to any Committee of both or either House, and in particular to the Committee of both Kingdoms, being read, and Conference desired of the Lords thereon; a Declaration was ordered to be offered, whereby they may express the Resentment the House has of the Proceedings of the Lords herein.

‘ *Aug.*

^a The above is unintelligible, but is strictly agreeable to the Copy; and the Editor would not presume to restore the Sense from any Conjectures of his own.

298 A P P E N D I X.

‘ *Aug. 25, 1660.* Ordered, That the Serjeant at Arms, attending this House, suffer none to go out of the House till those that are to manage the Conference are gone forth.

‘ *Aug. 2, 1661.* The Lords desire a present Conference, by a Committee of both Houses, presently in the Painted Chamber, if it may stand with the Conveniency of this House.

‘ Answer returned by the same Messengers, That this House has taken their Lordships Message into Consideration; and will return an Answer by Messengers of their own.

‘ Mr. *Pymme* went up to the Lords with this Message; Whereas this House has received a Message from their Lordships, for a present Conference, without any Expression of the Subject or Matter of the Conference, which is contrary to the constant Course of either House, and therefore this House cannot yield to a present Conference.

‘ *Feb. 6, 1688.* The House being informed, That there was so great a Croud in the Painted Chamber that the Members appointed to manage the free Conference could not come to the Bar, ordered, That the Serjeant at Arms, attending this House, do go immediately (without the Mace) to the Painted Chamber, and require the present Return, to this House, of all the Members thereof who are in the Painted Chamber, (except Serjeant *Maynard*, Sir *Robert Howard*, and Mr. *Pollexfen*, who are at present lame) in order to the Room’s being cleared of Strangers.

‘ The House being informed, by the Serjeant at Arms, That he had acquainted the Members with the Order of the House, and that very few of them took Notice of the Direction of the House, ordered, That the Clerk of this House do go immediately with the Signet, and take the Names, in Writing, of such Members as shall refuse to obey such the Direction of the House.

‘ *Jan. 16, 1702.* Ordered, That no Members do presume to stand within the Bar at the Table in the Painted Chamber, but such as are appointed
Managers,

Managers, and the Serjeant to summon the Members to attend the House.

Ordered, That no Members do presume to go out of the House, till the Managers are gone out for the free Conference, and untill Mr. Speaker do leave the Chair.

‘ *May 5, 1604.* Agreed for a Rule, That if we differ from the Desire of the Lords propounded by their Messengers, then we are to send by our Messengers. Orders touching Messages from the King and the Lords.

‘ *Feb. 14, 1606.* On a Message from the Lords, it was conceived as a Rule, when we yield to them, we might send Answer by such Messengers as come from the Lords; if not, then to send by our own.

‘ *May 11, 1610.* Great Debate touching the Speaker’s bringing Messages from the King :

‘ Whereupon resolved, That this Manner of receiving a Message from the whole Body of the Council by Mr. Speaker, should be no Precedent hereafter.

‘ The Order allowed to be entered, *May 12, 1610.*

‘ *Feb. 15, 1620, 18 Jac.* When the Messengers deliver the Message, none ought to speak to them, to speak out. Agreed to be the Course of the House, not to speak to them; for Mr. Speaker is to relate it to the House.

‘ *March 10, 1620, 18 Jac.* A Message from the King by Mr. Attorney-General, &c.

‘ Resolved, That Mr. Attorney-General should come up to the Table, and Mr. Speaker and the whole House to be bare whilst the Message was delivered.

‘ *April 10, 1641.* Notice being given of a Message from the Lords, it was ordered, That all the Members keep their Seats, and go not out without Leave.

‘ Nor speak to the Messengers, *May 3, 1641.*

‘ Nor speak to the Messengers coming in, or going out, *Jan. 27, 1641.*

300 A P P E N D I X.

‘ *Aug. 31, 1641.* A Message from the Lords, by Dr. *Bennet* alone.

‘ Exception being taken, That the Lords sent but one Messenger, it was declared, That it was the antient Right of this House to have two Messengers sent from the Lords, to this House, upon all Occasions; however, at this Time, the House was willing to pass it over.

‘ *May 22, 1645.* Ordered, That after Notice shall be given to Mr. Speaker of any Message from the Lords, that no new Motion of any Business whatsoever shall intervene; but that the Messengers shall be presently admitted after that the Business, then in present Agitation, shall be dispatched.

‘ *Oct. 25, 1645.* Resolved, That the Messengers from the Lords be always called in immediately after that the Business, then in present Agitation, shall be concluded; and that no other new Business whatsoever intervene between that Business and the Admission of the Messengers.

‘ *Sept. 11, 1648.* Ordered, That when Messengers are sent from the Lords to this House, as soon as the Business in Agitation, when the Messengers come, is ended, then the Messengers from the Lords to be called in.

Orders for the Sitting of the House in a Morning, and Rising, and Members coming after Prayers to pay, and touching keeping Places in the House.

‘ *Feb. 14, 1606.* An Order moved and settled, That the House should assemble every Day at Eight o’Clock; and enter into the great Business at Nine o’Clock.

‘ *May 23, 1614, 12 Jac.* Ordered, That the House shall sit every Day at Seven o’Clock in the Morning; and to begin to read Bills, secondly, at Eight o’Clock.

‘ To meet at half an Hour after Seven; and Bills to be put to Passage by Eight o’Clock, *April 24, 1624, 22 Jac.*

‘ *Nov. 26, 1640.* Ordered, That neither Book nor Glove may give any Man Title or Interest to any Place, if they themselves be not at Prayers.

‘ *May 1, 1641.* Ordered, That all the Members of this House, that shall come to the House after Eight

Eight o'Clock, shall pay 1*s.* except it shall appear to the House that they are employed in the Service of this House to be disposed of as the House shall think fit, and the Serjeant is to gather this Money; and if any Member shall forbear to come for the whole Day, he shall pay 5*s.* unless he have Licence from this House, or be sick, or be in the Service of the House.

‘ *April 19, 1642.* Ordered, That whosoever shall not be here at Prayers every Morning at Eight of the Clock, shall pay 1*s.* to the Poor; and every Member that shall come after Prayers, is ordered to pay 1*s.* to the Serjeant without any further Demand.

‘ *Feb. 14, 1743.* Resolved, That the House do meet every Day at Nine o'Clock and rise at Twelve; and Mr. Speaker is to put the House in Mind hereof; and that such Members as come after Nine shall pay 1*s.* to the Poor; and that if any Member shall begin, or make a new Motion after Twelve of the Clock, he shall pay 5*s.* to be collected and disposed of to the Poor.

‘ A Box is to be prepared and set up at the Door to this Purpose; and the Burgesses of *Westminster* are to take Care that the Money be duly paid.

‘ *April 22, 1646.* Ordered, That whatsoever Member of the House shall, during the Time the House is at Prayers, continue either in the Committee-Chamber, or in the Judges Room, and shall not come and be present at Prayers, shall forfeit and pay, for every Time he shall so absent himself, 1*s.* to be collected by the Serjeant at Arms, and to be distributed to the Poor.

‘ Revived *Jan. 15, 1654; and Nov. 24, 1656.*

‘ *March 21, 1647.* Ordered, That so soon as the Clock strikes Twelve Mr. Speaker do go out of the Chair; and that the House rise, and no new Motion be made after Twelve o'Clock.

‘ *March 23, 1649.* Resolved, &c. That every Member that doth not attend the Service of the House at Nine o'Clock in the Morning, shall pay 1*s.* to the Poor; and the Serjeant to collect the same of all the Members that shall come after that Time.

‘ *May 31, 1659.* Ordered, That Mr. Speaker do constantly, every Morning, take the Chair by Eight o’Clock ; and that the Council of State, and Committees of this House, do forbear to sit in the Morning after Eight o’Clock, and do then give their Attendance on the Service of the House ; and that the House do rise every Day at Twelve o’Clock ; and that no Motion be made after Twelve o’Clock ; but that Mr. Speaker is hereby enjoined then to rise.

‘ *April 29, 1679.* Resolved, That this House will every Day adjourn till Seven o’Clock the next Morning.

‘ *March 24, 1679.* Resolved, That this House will begin to sit every Morning at Nine o’Clock ; and that no new Motion be made after One o’Clock.

‘ The same Order for Motions *Nov. 25, 1695.*

‘ To proceed on Business at Ten o’Clock, &c. *Nov. 2, 1696.*

‘ *Nov. 19, 1694.* Resolved, That this House will, every Morning at Ten o’Clock, enter upon public Business ; and that no private Business be proceeded upon after Ten o’Clock.

‘ *March 10, 1734.* Complaint being made to the House, That Places were kept in the House for Members who were not at Prayers, by laying Papers for that Purpose, declared, That no Member is to keep any Place in the House, by Book, Glove, Paper, or otherwise, till after Prayers ; and then only for himself.

‘ *March 13, 1734.* Resolved and declared, That the Declaration of the House of the 10th Day of this instant *March*, That no Member is to keep any Place in the House, by Book, Glove, Paper, or otherwise, till after Prayers, and then only for himself, does not extend to a Member who takes a Place by and for himself only before Prayers, and leaves a Book, Glove, Paper, or other Mark of the same, provided such Member be at Prayers.

‘ *Jan. 29, 1741.* The House was moved, That the several Resolutions of the House of the 26th of *November, 1640*, and the 10th and 13th of *March, 1734*, relating to the Method of taking Places in the House,

House, might be read; and the same were read accordingly, and ordered to be printed in the Votes of the Day.

‘ *June 28, 1610.* Ordered, That if any Stranger prefer any Grievance, he must stand by at the Reading. Orders touching private Business, Petitions, and Motions.

‘ *May 12, 1627, 4 Car.* Mr. *Burgess* sends in a Petition; but it not being signed, the House signified to him that brought it, by the Serjeant, That they could not meddle with it in that Respect.

‘ *Dec. 4, 1640.* Ordered, That the Business in Agitation being ended, no new Motion of any new Matter shall be made without Leave of the House.

‘ *March 23, 1641.* Ordered, That no new Motion shall be made after Twelve o’Clock.

‘ *Jan. 29, 1643.* Resolved, &c. That when any Motion is made in the House for any Member, or other Person, for any Place or Office to be conferred upon them, That the House shall take a Day’s Time, requisite to consider of the same, before they make Order therein; and to be made in a full House.

‘ *April 1, 1644.* Ordered, That no Member do offer to move, after Prayers are done, till the Minister that prayed be gone out of the House.

‘ *May 22, 1645.* Ordered, That Mr. Speaker shall not hear any new Motion after Twelve of the Clock.

‘ *Oct. 25, 1645.* Ordered, That no new Motion of any Business whatsoever shall be made after Twelve o’Clock; and that Mr. Speaker shall not hear any new Motion after Twelve o’Clock, and the House immediately to rise; and that Mr. Speaker do then leave the Chair, unless the House be in the Debate of a Business, or the House otherwise order.

‘ Revived *March 23, 1649.*

‘ *Sept. 23, 1646.* Resolved, That no private Petition, to be directed to the Parliament, be printed before the same be read in the House.

‘ *December 1, 1646.* Ordered, That the Order against printing private Petitions, before they are presented to the House, be duly observed; and that

the Serjeant, attending this House, shall seize upon such printed Petitions, in the Hands of any Persons that shall deliver or disperse the same.

‘*Oct.* 8, 1659. Resolved, That no Person propounded, as to any Office of Profit or Trust, shall be passed the same Day that he is propounded; and that Mr. Speaker put the House in Mind thereof.

‘Resolved, That such Persons as shall present any Person to this House, for any Place of Profit or Trust, shall give in his Name under his Hand, and leave it with the Clerk of this House; and that they believe him to be a Person within the Qualification of the 9th of *May*, 1659.

‘*April* 25, 1660. Resolved, That no new Business be brought in, or entertained in the House, after Twelve o’Clock.

‘*Aug.* 23, 1660. Resolved, That no private Business be entertained by this House, on any Day after half an Hour after Nine o’Clock, till further Order.—After Ten o’Clock, *Nov.* 26, 1660.—After Nine o’Clock, *June* 10, 1661.—After Ten o’Clock, *Feb.* 4, 1692; and *Jan.* 24, 1693.—After Eleven o’Clock, *Jan.* 29, 1693.

‘*April* 29, 1679. Ordered, That the Standing Order of the House, That no new Motion be made after Twelve o’Clock, be strictly and constantly kept and observed.

‘*Feb.* 4, 1697. Ordered, That no Petitions be received after Ten o’Clock in the Forenoon.

Orders touching
Quarrels.

‘*Jan.* 31, 1641. Ordered, That Mr. Speaker shall have a Warrant, at any Time, to apprehend and stay such Members of this House as he shall be informed do either send Challenges, or receive or entertain Challenges.

‘*April* 28, 1645. Ordered, That if any Quarrel happen between any Gentlemen, or others, in any Place within the Cities of *London* and *Westminster*, and the Lines of Communication, (the House not sitting) that, upon Information thereof to Mr. Speaker, he shall have Power to send for the Parties, and
secure

secure their Persons till the House be acquainted with it, and take further Order.

‘ *Nov. 11, 1640.* It was declared, as a constant Orders touching Witnesses, Rule of this House, That if a Witness be brought to this House, (the House sitting) the Bar ought to be down; otherwise, if the House be in a Committee.

‘ *Nov. 25, 1647, P. M.* Resolved, &c. That this House doth declare, That the Persons that are summoned to attend any Committee of this House, as Witnesses, in any Cause depending before them, ought to have the Privilege of Parliament, and to be free from Arrests in coming, staying, and returning to the said Committee.

‘ *March 8, 1688.* Resolved, That it is the undoubted Right of this House, That all Witnesses summoned to attend this House, or any Committee appointed by it, have the Privilege of this House in coming, staying, and returning.

‘ *May 2, 1635.* Resolved, That the House doth agree with the Committee in the said Resolution, That the proper Method to compel Witnesses to come in, and give their Evidence upon Impeachments, is, in the first Place, to issue out Summons, from this House, to such Witnesses for their Attendance.

‘ *Jan. 29, 1699.* A Complaint being made to the House, That the Messengers belonging to the Sergeant at Arms, attending this House, had demanded Moneys of several Persons summoned by them to attend Committees, declared, That no Person summoned to attend the House, or Committees, as Witnesses, ought to pay any Thing for their being so summoned.

‘ *May 10, 1743.* Complaint being made to the House of the Proceedings of the House of Representatives of the Province of *Massachusetts Bay* against *Jeremiah Dunbar, Esq;* and the Censure passed upon him, by the said Representatives, in the Months of *December* and *January* last, for giving Evidence, in the Session of Parliament preceding the last, before a Committee of this House, to whom a Bill (then depend-

depending in this House, for the better securing and encouraging the Trade to his Majesty's Sugar Colonies in *America*) was committed: And a Paper printed at *Boston*, in *New England*, intituled, *Votes of the House of Representatives*, being offered to the House, the said Paper was brought up to the Table, and several Paragraphs therein were read; in which the afore-mentioned Proceedings against the said *Jeremiah Dunbar*, and the Censure passed upon him, are contained.

‘ Resolved, *Nem. Con.* That the presuming to call any Person to Account, or to pass a Censure upon him for Evidence given by such Person before this House, or any Committee thereof, is an audacious Proceeding, and an high Violation of the Privilege of this House.

‘ Ordered, That a Committee be appointed to inquire who were the Authors and Abettors of the Proceedings against *Jeremiah Dunbar*, Esq; in the House of Representatives of the *Massachusetts Bay*, in the Months of *December* and *January* last past, at *Boston*, in *New England*, on account of the Evidence given by the said *Jeremiah Dunbar*, before a Committee of this House, in the Year 1730.

Orders touching
choosing Commis-
sioners of Ac-
compts, and Ar-
my Accompts,
&c.

‘ *Nov. 4, 1643.* A Committee ordered to take Account of all public Moneys issued; no Member, or other Officer, liable to account to be of the Committee.

‘ *March 21, 1694.* Resolved, That the Speaker of this House is capable of being chosen a Commissioner for taking and stating the public Accounts.

‘ Resolved, That no Person be a Commissioner who hath any Office of Profit, or is accountable to his Majesty. The same *Feb. 1, 1695.*

‘ *April 19, 1699.* Commissioners to be seven for taking an Account of the forfeited Estates in *Ireland*.

‘ Ordered, That no Member of this House be a Commissioner.

‘ *May 13, 1720.* A Bill for appointing Commissioners for stating the Accounts of the Army.

‘ Resolved, That no Person be a Commissioner who hath any Office of Profit, or is accountable to his Majesty.

‘ Re-

A P P E N D I X. 307

‘ Resolved, That the said Commissioners may be Members of this House.

‘ Resolved, That no Person who hath been, or is, an Agent, be a Commissioner in the said Bill.

‘ *May 9, 1604, 1 Jac.* Rule, That no Delinquent is to be brought in, but by the Serjeant with his Mace. Orders about bringing Delinquents and Prisoners to the Bar.

‘ *March 6, 1625, 1 Car.* Mr. Attorney being come to give Satisfaction to the House from the Duke of *Bucks*, resolved, That he be brought in with the Mace, and then stand at the Bar to be heard, and then to withdraw.

‘ *Dec. 12, 1723.* The Order of the Day being read for the second Reading of the Bill for inflicting certain Pains and Penalties upon *George Kelly, alias Johnson*, ordered, That the Serjeant at Arms do stand with the Mace at the Bar, whilst the Prisoner is there.

‘ *May 2, 1668.* Ordered, That when any Persons come to be naturalized hereafter, they do first take the Oaths of Allegiance and Supremacy in the House, after the Speaker takes the Chair, according to antient Form. Order touching Naturalization.

‘ *June 7, 1675, P. M.* Resolved, *Nem. Con.* That no Person committed for Breach of Privilege, by Order of this House, ought to be discharged during the Session of Parliament, but by Order or Warrant of this House. House of Commons’ Right of Commitment.

‘ *June 9, 1675.* Resolved, *Nem. Con.* That no Commoner of *England*, committed by Order or Warrant of the House of Commons for Breach of Privilege, or Contempt of that House, ought, without Order of that House, to be, by any Writ of *Habeas Corpus*, or any Authority whatsoever, made to appear and answer; and to do and receive a Determination in the House of Peers, during that Session of Parliament, wherein such Person was so committed.

‘ *March*

‘ *March 22, 1697.* Resolved, That no Person, committed by this House, can, during the same Session, be discharged by any other Authority whatsoever.

‘ *Feb. 26, 1701, 14 Gul. III.* Col. *Granville* reported, from the Committee of the whole House, to consider further of the Rights, Liberties, and Privileges of the House of Commons, That they had come to several Resolutions, which they had directed him to report when the House will please to receive the same.

‘ The Report ordered to be read immediately; and he reported, *viz.*

‘ *First,* Resolved, That it is the Opinion of this Committee, That, to assert that the House of Commons are not the only Representatives of the Commons of *England*, tends to the Subversion of the Rights and Privileges of the House of Commons, and the Fundamental Constitution of the Government of this Kingdom.

‘ *Secondly,* Resolved, That it is the Opinion of this Committee, That, to assert that the House of Commons have no Power of Commitment but of their own Members, tends to the Subversion of the Constitution of the House of Commons.

‘ *Thirdly,* Resolved, That it is the Opinion of this Committee, That to print or publish any Books or Libels reflecting on the Proceedings of the House of Commons, or any Member thereof, for, or relating to, his Service therein, is a high Violation of the Rights and Privileges of the House of Commons.

‘ *Fourthly,* Resolved, That it is the Opinion of this Committee, That it is the undoubted Right of the People of *England* to petition or to address the King for the calling, sitting, or dissolving of Parliaments, and for the redressing of Grievances.

‘ *Fifthly,* Resolved, That it is the Opinion of this Committee, That it is the undoubted Right of every Subject of *England*, under any Accusation, either by Impeachment or otherwise, to be brought to a speedy Trial, in order to be acquitted or condemned.

‘ The

‘ The said Resolutions being severally read a second Time, were, upon the Question severally put thereupon, agreed to by the House.

‘ *March 8, 1704.* Resolved, That no Commoner of *England*, committed by the House of Commons for a Breach of Privilege, or Contempt of that House, ought to be, by any Writ of *Habeas Corpus*, made to appear in any other Place, or before any other Judicature during that Session of Parliament wherein such Person was so committed.

‘ Resolved, That the Serjeant at Arms, attending this House, do make no Return of, or yield any Obedience to, the said Writs of *Habeas Corpus*; and, for such his Refusal, that he have the Protection of the House of Commons.

‘ Resolved, That the Lord-Keeper be acquainted with the said Resolutions, to the End that the said Writs of *Habeas Corpus* may be superseded as contrary to Law, and the Privilege of this House.

‘ Ordered, That the Clerk of this House do acquaint the Lord-Keeper of the Great Seal of *England* with the said Resolution.

‘ *April 4, 1707.* Resolved, That when any Person (ordered to be taken into the Custody of the Serjeant at Arms) shall either abscond from Justice, or, having been in Custody, shall refuse to pay the just Fees, in either of those Cases the Order for Commitment shall be revived at the Beginning of the next Session of Parliament; and that this be declared to be a Standing Order of the House.

‘ *June 16, 1746.* Resolved, That the Serjeant at Arms, attending this House, is intitled to, and ought to take and receive a Fee of 6*s.* 8*d.* and the Caption-Fee of 3*l.* 6*s.* 8*d.* and the Fee of 1*l.* 6*s.* 8*d.* for one Day in Custody, from every Person who shall be brought to the Bar of this House to be reprimanded by Mr. Speaker.

‘ *June 19, 1746.* Resolved, That the Serjeant at Arms, attending this House, is intitled to, and ought to take and receive from every Person who shall be brought to the Bar of this House to be reprimanded by Mr. Speaker, the Fees following; the
Fee

310 A P P E N D I X.

Fee of 5*l.* or 3*l.* 6*s.* 8*d.* according to the Table of Fees, for taking a Person into Custody; the Fees for one Day in Custody, *viz.* 1*l.* for himself, and 6*s.* 8*d.* for bringing a Criminal to the Bar.

Orders on the Question, the Yeas, or Noes, going out.

‘ *April 2, 1604, 1 Jac.* Agreed for a Rule, That a Question being once made, and carried in the Affirmative or Negative, cannot be questioned again; but must stand as a Judgment of the House.

‘ *June 15, 1604.* Agreed for a Rule, That upon the adding of a new Thing, the Question is to be put in the Affirmative; upon the continuing of an old, in the Negative.

‘ Question made, Whether the Law shall continue untill the End of the next Session of Parliament. Much Difference in Dispute, Whether, upon this Question, the Yea or No shall sit. Affirmed and conceived as a Rule, That when any Alteration is required of a Law in Being, as in this Case, and thereupon a Question put, the Yeas must sit still, and the Noes go forth.

‘ *Nov. 28, 1621, 19 Jac.* Resolved, That when a general Vote of the House concurrcth in a Motion propounded by the Speaker, without any Contradiction, there needeth no Question.

‘ *May 11, 1626, 2 Car.* Question, Whether the Yeas or Noes should go out, much Debate about it.

‘ A Rule, That whosoever will have a Thing must go out, and so get it.

‘ *Nov. 6, 1640.* Upon Debate of granting Time to those that are doubly returned for making their Choice, &c. Whether the Question should be first made for *Monday* next, or for longer Time, resolved, upon the Question, That the Question for *Monday* should be first made.

‘ *Dec. 10, 1640.* Upon the Difference of the Yeas and Noes, the House being divided, it was declared for a constant Rule, That those that give their Votes for the Preservation of the Orders of the House, shall stay in; and those that give their Votes otherwise, to the introducing of any new Matter or Alteration, shall go out.

‘ *April*

‘ April 14, 1604, 1 *Fac.* Members mistaking Orders touching the Question interrupted by Mr. Speaker, and Motions, and thereupon a Rule conceived, viz. That if any Man speaking in the House, speak impertinently, or besides the Question in Hand, it stands with the Order of the House for Mr. Speaker to interrupt him, and to know the Pleasure of the House whether they will further hear him.

‘ April 17, 1604. Agreed for a Rule, That if any superfluous Motion or seditious Speeches be offered in the House, the Party is to be directed and ordered by Mr. Speaker.

‘ May 19, 1604. A Rule agreed, If any Man speak not to the Matter in Question, the Speaker is to moderate.

‘ June 21, 1604. Agreed for a Rule, That when Mr. Speaker desires to speak, he ought to be heard without Interruption, if the House be silent and not in Dispute.

‘ May 17, 1606. Any Man may speak after the Affirmative Question, and before the Negative.

‘ April 21, 1610. If a Bill be continued in Speech two Days, one may not speak twice.

‘ April 13, 1614, 12 *Fac.* Mr. Speaker, for the Dignity and Gravity of the House, ordered, That no Interruption be made till the Speech of the Party speaking be ended and ruled.

‘ May 3, 1621, 19 *Fac.* Resolved, That though a Matter be ordered in the House, upon the Question; yet if, after, the same Matter comes in again by Bill, any Member may speak to this Matter, *pro* or *contra*, as his Opinion is, and the said Question, formerly made and passed, precludeth him not.

‘ Nov. 10, 1640. It was declared, That when a Business is begun and in Debate, if any Man rise to speak to a new Business, any Member may not, but Mr. Speaker ought to, interrupt him.

‘ March 21, 1678. Ordered, That the Orders for every Day be read the next Morning before any other Business. The Orders of every Day to be read the next Morning.

‘ Oct. 27, 1680. Ordered, That the Votes of each Day be read the Day following the first Business.

‘ March

March 14, 1698. Ordered, That the Orders for the Business appointed for the Day, be read every Day at Eleven o'Clock.

The Orders of the House pleadable. *June 10, 1689.* A Debate arising in the House, Whether the Orders and Proceedings of this House being pleaded to the Jurisdiction of the Court of King's Bench, the same ought to be over-ruled, resolved, That the Orders and Proceedings of this House, pleaded to the Jurisdiction of the Court of King's Bench, ought not to be over-ruled.

On Royal Assent to Bills, whether the House may proceed without Prorogation. *Nov. 21, 1554.* Upon a Question asked in the House, If, upon the Royal Assent, the Parliament may proceed without any Prorogation; it is agreed that it may.

Black Rod. *May 10, 1641.* Memorandum, That Mr. Maxwell coming to the House with a Message, without his Black Rod, and coming in before he was called in, Exception was taken at both.

Recess. *Aug. 27, 1641.* Resolved, upon the Question, That this House doth declare, That they are not so bound up by the Order for the Recess, but that if any emergent Occasion shall arise, they may recede from it.

Papists not to come near the House during this Parliament. *Dec. 10, 1690.* Ordered, That no Papists do presume to come into *Westminster* Hall, the Court of Requests, or the Lobby of this House, during the Sitting of this Parliament; and this Order to be pasted up at *Westminster* Hall Gate, and in the Lobby of this House; and that the Serjeant at Arms, attending this House, do take into Custody all such Persons as shall offend against the said Order.

Orders touching the Journals, Minute-Book, &c. *July 3, 1607.* Sir *Edwin Sandys* reported from the Committee, to peruse and consider of such Entries as are made by the Clerk in his Journal-Book, &c. with the Reasons, &c. That it is thought convenient by the Committee, that this Order should be

be entered ; and, upon Question, resolved to be entered in these Words, *viz.* That, between this and the next Session of Parliament, the Clerk shall perfect this Journal-Book for these three first Sessions; and that no Matter of Message, or Conference, or Resolution of the House proceeding thereupon, shall be of Record or in Force, till such Time as the same be perused and perfected by a Committee to be chosen the next Session of Parliament, and approved by the House : And that from henceforth the Committee of Privileges do every *Saturday*, in the Afternoon, peruse and perfect the Book of Entries, in all such Matters as aforesaid ; and that, in regard of the great Pains which the Clerk is to take in perfecting the said Journals, some Course be taken the next Session for his better Encouragement.

‘ *Feb. 9, 1609.* The said Order for the Journal-Book continued.

‘ *Dec. 10, 1641.* Sir *Arthur Hasilrigge* moved the House against the Clerk, for suffering his Journals, or Papers committed to his Trust, to be taken by Members of this House from the Table ; for that if any Alteration were made in an Order, though but in a Word, the Clerk could not answer it ; and therefore desired it may be ordered, for the future, the Clerk should not suffer the same, it being against the Duty and the Trust he is sworn unto ; but the House declined the making of any Order herein ; declaring, That it was a Fundamental Order of this House, that the Clerk, who is a sworn Officer, and intrusted with the Entries and the Custody of the Records of the House, ought not to suffer any Journal or Records to be taken from the Table, or out of his Custody ; and if he shall hereafter do it, after this Warning, that at his Peril he shall do it.

‘ *Oct. 22, 1666.* Resolved, &c. That no Person be permitted to have Inspection of the Journal-Book, but such as are Members of this House.

‘ *Feb. 4, 1666.* Ordered, That the Committee appointed to inspect the Journals be revived, and do examine the same every *Saturday*.

‘ *Dec.*

‘ *Dec. 4, 1669.* Resolved, That a Committee be appointed to peruse the Journals of this House every *Saturday* in the Afternoon, and if there be any Mistake in Writing to rectify the same; and if they find any Omission or Mistake in the Entry of the Votes and Orders of the House, to report the same to the House; and that it be referred to, &c.

‘ The same *May 4, 1675.*

April 3, 1677. Ordered, That no Member of this House do hereafter take off from the Clerk’s Table any Bill, or Brief of a Bill, or the Journal-Book; or be permitted to take Notes, or copy thereout, during the Sitting of the House, or a Committee of the whole House.

‘ *Dec. 11, 1678.* Ordered, That a Committee be appointed to inspect and peruse the *Journals* of this House, to see that due Entries be made, and make a Report of the Mistakes and Errors therein every *Monday Morning*.

‘ Ordered, That the Orders of the House be drawn up every Day, and read the next Morning before they be entered in the *Journals*.

‘ *March 29, 1679.* Ordered, That the Orders and Proceedings of this House, after they are read every Morning, be entered in the *Journals* of the same Day.

‘ Revived *Oct. 27, 1680.*

‘ Ordered, That a Committee be appointed to inspect the *Journals* every Morning, and see that true Entries be made.

‘ *May 5, 1698.* Sir Rowland Gwyn acquainted the House, That, upon searching for the said Precedents, they found that many of the Books of the *Journals* of the House, before the Year 1685, are much worn, ill written, and without any Indexes, ordered, That all the *Journals* of this House, untill the Year 1685, be fairly transcribed, and Indexes made by the Clerk of the *Journals* so transcribed, with References to the Folios of the original Books; and that it be recommended to the Lords Commissioners of the Treasury to pay the Charges thereof.

March

‘ *March 25, 1699.* Ordered and declared to be a Standing Order of the House, That no Member do take a Paper or the Minute-Books from off the Table, to transcribe in the House, under the Displeasure and Censure of the House.

‘ *May 31, 1741.* Resolved, That all the Books of the Proceedings or *Journals* of the House of Commons, now in the Custody of the Clerk of the said House, and commencing with the Book called *Seymour*, which begins with the Reign of King *Edward VI.* be printed.

‘ Resolved, That 1000 Copies of the said *Journals* be printed for the Use of the Members of this House, by the Appointment, and under the Direction of *Nicholas Harding*, Esq; Clerk of the House of Commons, (the same not to exceed 30 Volumes) with a proper Preface and Index to each Volume, and a general Preface and Index to the whole.

‘ Resolved, That a proper Recompence be made to the said *Nicholas Harding*, for the Loss of Fees, which he and his Office will sustain by printing the said *Journals*.

‘ Resolved, That an humble Address be presented to his Majesty, That he will be graciously pleased to order the Sum of 5000*l.* to be advanced to *Nicholas Harding*, Esq; Clerk of this House, towards enabling him to print the *Journals* of this House; and likewise the further Sum of 1000*l.* as a Recompence to the said *Nicholas Harding*, for the Loss of Fees, which he and his Office may sustain, by printing the said *Journals*; and to assure his Majesty that this House will make good the same.

‘ Ordered, That the said *Journals* be printed by such Person as shall be licensed by Mr. Speaker; and that no other Person do presume to print the same.

‘ *July 13, 1641.* Ordered, That no Member of this House shall either give a Copy, or publish in Print, any Thing that he shall speak here, without Leave of the House.

Orders against
the printing the
Votes and Pro-
ceedings of the
House,

‘ *March 22, 1642.* Resolved, &c. That whatsoever Person shall print any Act or Passages of this
VOL. XXIII. D d House,

House, under the Name of Diurnal or otherwise, without the particular Licence of this House, shall be reputed a high Contemner and Breaker of the Privilege of Parliament, and to be punished accordingly.

‘ *April 13, 1659.* Resolved, That the Orders and Resolutions of this House shall not be printed by any Person or Persons whatsoever, without the special Leave of the House.

‘ *June 25, 1660.* Resolved, That no Person whatsoever do presume, at his Peril, to print any Votes or Proceedings of this House, without the special Leave and Order of the House.

‘ Revived *May 14, 1661.*—*June 5, 1663.*—*May 14, 1666* ; and *November 8, 1689.*

‘ *Oct. 29, 1678.* Ordered, That none of the Votes of this House be dispersed or published in the Coffee-Houses.

‘ The Votes, on Question, not to be printed, *Jan. 22, 1688.*

‘ *Oct. 23, 1689.* Ordered, That all the Votes of the House be printed, and that Mr. Speaker do peruse the Votes of the House, and order the printing of them.

‘ *Feb. 11, 1695.* Ordered, That no News-Letter-Writer do, in their Letters, or other Papers that they disperse, presume to intermeddle with the Debates, or any other Proceedings of this House.

‘ Revived *Jan. 18, 1697* ; and *Jan. 3, 1703.*

‘ *Dec. 22, 1694.* Moved that it may be a Standing Order of this House, That no more Votes of this House may be printed.

‘ Ordered, That the Order of the 26th of *October* last for printing the Votes be discharged, the House finding the great Inconveniencies that have attended the printing of the Votes.

‘ Resolved, That it be a Standing Order of the House, that no Votes of the House shall be printed, without the particular Order of the House.

‘ Resolved, That the Votes and Proceedings of the House be not published by the Clerks, or any other Person whatsoever.—Revived *Feb. 25, 1702.*

‘ *Nov.*

‘ *Nov. 23, 1722.* On the Question, the Votes ordered again to be printed.

‘ *Jan. 23, 1703.* Resolved, That no News-Writers do presume, in their Letters or other Papers that they disperse, as Minutes, or under any Denomination, to intermeddle with the Debates, or any other Proceedings of the House.

‘ Resolved, That no Printer or Publisher of any printed News Papers do presume to insert in any such Papers, any Debates, or any other Proceedings of this House, or any Committee thereof.

‘ *Feb. 26, 1728.* Resolved, *Nem. Con.* That it is an Indignity to, and a Breach of, the Privilege of this House, for any Person to presume to give in Writing, or printed News Papers, any Account or Minutes of the Debates or other Proceedings of this House, or of any Committee thereof.

‘ Resolved, *Nem. Con.* That, upon Discovery of the Authors, Printers, or Publishers of any such written or printed News Paper, this House will proceed against the Offenders with the utmost Severity.

‘ *April 13, 1738.* A Complaint being made to the House, That the Publishers of several written and printed News Letters and Papers had taken upon them to give Accounts therein of the Proceedings of this House, resolved, That it is an high Indignity to, and a notorious Breach of, the Privilege of this House, for any News-Writer, in Letters or other Papers, as Minutes, or under any other Denomination; or for any Printer or Publisher of any printed News Paper, of any Denomination, to presume to insert in the said Letters or Papers, or to give therein any Account of the Debates or other Proceedings of this House, or any Committee thereof, as well during the Recess as the Sitting of Parliament; and that this House will proceed with the utmost Severity against such Offenders.

‘ *Feb. 19, 1550.* It is ordered, That the Lord-Chancellor may direct the King’s Writ of Attachment to the President of the King’s Council in the North Barts, to attach *Henry Witherington* and others,

Orders touching
Privilege and
Protections.

others, upon the Complaint of Sir *Robert Brandling*, Knt. Burgeſs for *Newcaſtle*, exhibited to the Higher Houſe.

‘ *Feb.* 20, 1550. It is ordered, That if any Burgeſs require Privilege for himſelf, or his Servant, he ſhall, upon Declaration, have a Warrant ſigned by Mr. Speaker to obtain a Writ: And for that *William Ward*, Burgeſs of *Lancaſter*, obtained a Writ of Privilege out of the Chancery, without a Warrant from this Houſe, it is committed to Mr. *Mafon*, and others, to examine the Matter, and certify the ſame to the Houſe.

‘ *Dec.* 6, 1555. It is ordered, That Mr. Comptroller, with others of the Houſe, ſhall declare to the Lords, that their Opinion is, That their Privilege is broken; for that *Gabriel Pledall*, a Member of this Houſe, was bound in a Recognizance in the Star-Chamber, to appear there before the Council, within twelve Days after the End of this Parliament: Whereupon Mr. Comptroller, from the Lords, ſaid, They would ſend Answer thereof to the Houſe.

‘ Mr. *Martin* and Mr. *Lewis*, from the Lords, ſaid, They required ſix of the Houſe to confer with the Lords for that Cauſe; and Mr. Comptroller, Mr. *S. Petre*, with four others, went up; and they reported, That the Chief Juſtice, Maſter of the Rolls, and Serjeants, do clearly affirm, That the Recognizance is no Breach of Privilege.

‘ *Feb.* 17, 1620, 18 *Jac.* Ordered, That where any Member of the Houſe hath Cauſe of Privilege to ſtay any Trial, a Letter ſhall iſſue under Mr. Speaker’s Hand for ſtaying thereof, without further Motion in the Houſe.

‘ *March* 3, 1620. Reſolved, That the former Courſe of writing Letters to the Juſtices of Aſſize ſhall be obſerved according to Precedents; and, if required, a Warrant for Inhibition to the Party ſhall be iſſued: And all theſe to be reſolved by the Houſe.

‘ *March* 15, 1620. Reſolved, That no Protections be granted by any; Service being the only Privilege in this Houſe.

‘ *March*

‘ *March 22, 1620.* Resolved, That no Protections, under any Man’s Hand of this House, is good.

‘ *June 1, 1621, 19 Jac.* Ordered, upon Question, That in Case of any Arrest, or any Distress of Goods, serving any Process, Citation for his Person, arresting his Person, staying him in any Court, or breaking any other Privilege of this House, a Letter shall issue under Mr. Speaker’s Hand for the Parties Relief therein, as if the Parliament were sitting; and the Party refusing to obey it, to be censured at next Meeting.

‘ *Nov. 20, 1621.* Resolved, by the House, That all Protections, granted by any Member of this House to any, not his menial Servant or Attendant, are void; and ordered, That if any shall hereafter avow any such Protections unlawfully given, or shall, after this Time, give any, shall incur the Censure of the House.

‘ *Feb. 15, 1625, 1 Car.* Sir *John Finch* reported that the Committee are of Opinion, That Sir *Thomas Badge’s* Man shall be delivered by *Habeas Corpus* from this House; upon the Question, a Warrant ordered accordingly.

‘ The House declared, That, notwithstanding the said Opinion of the Committee, the House hath a Power, when they see Cause, to send the Serjeants immediately to deliver a Prisoner.

‘ *Feb. 23, 1627, 4 Car.* Resolved, upon Question, That every Member of this House is, during the Time of Privilege of Parliament, to have Privilege for his Goods and Estate.

‘ *Aug. 17, 1641, P. M.* To let the Lords understand, That the Conviction of divers Recusants has been hindred, under Pretence of Privilege of Parliament from their Lordships; and to declare unto their Lordships, that the Opinion of this House is, That no Privilege of Parliament ought to be allowed in this Case for these Reasons. *First*, Privilege of Parliament is not to be allowed in case of Peace, if Peace be required. *Secondly*, It is not to be allowed against any Indictment for any Thing done out of Parliament. *Thirdly*, It is not to be allowed in case of

public Service for the Commonwealth, for that it must not be used for the Danger of the Commonwealth. *Fourthly*, It is in the Power of this Parliament, and doth not bind the Parliament itself, so that their Lordships may withdraw their own Privilege as they see Cause; and therefore to declare, That, in these two Cases, of disarming of Recusants and convicting of them, no Privilege of Parliament ought to be allowed.

‘ *Aug. 28, 1641.* The House doth declare, That all Men ought to pay the Rates chargeable upon them, by the Act, for Poll-Money, notwithstanding any Pretence of Privilege, or Letters Patent, of Exemption whatsoever.

‘ *April 14, 1648.* Ordered, That upon every Action or Suit, commenced before the Lords Commissioners of the Great Seal of *England*, or in any of the Courts at *Westminster*, against any Members of Parliament, the said Lords Commissioners, Judges, and Barons of the several Courts respectively, or any of them, shall, by Writing under his or their Hand and Seal, give Notice thereof to every such Member; whereupon the Member is enjoined to give Appearance, and proceed as other Defendants, in case of like Suits or Actions, ought to do; and, in Default thereof, both their Estates and Persons shall be liable to any Proceedings, in Law or Equity, as other Members of this Commonwealth.

‘ *Nov. 15, 1660.* Resolved and declared, by the Commons assembled in Parliament, That the Privilege of this House, in Point of Protections from Arrests, doth belong to the Members of this House, and their menial Servants only, and to the Officers attending the Service of the House; and that all Protections in Writing, granted by any Member of this House, to any Person whatsoever, be forthwith called in, and are hereby declared to be null and void; and all Persons whom this may concern are required, upon all Occasions, to take Notice of the Privilege belonging to the Members of this House.

‘ Resolved, That this Order be forthwith printed and published.

‘ *Nov.*

‘ *Nov.* 25, 1661. Resolved, upon the Question, That no Member of this House do grant any Protection to any but such only as are their menial Servants ; and that all Protections already granted to any other Persons besides menial Servants, be forthwith printed and published.

‘ This Order revived *Feb.* 18, 1662 ; and *April* 9, 1670.

‘ *Nov.* 28, 1661. This House taking into further Debate the great Grievances of the People, occasioned by Protections, resolved, That all Protections, and written Certificates of the Members of this House, be declared void in Law, and be forthwith withdrawn and called in, and that none be granted for the future ; and that the Privilege of Members, for their menial Servants, be observed according to Law ; and if any menial Servant shall be arrested and detained, contrary to Privilege, he shall (upon Complaint thereof made) be discharged by Order from the Speaker.

‘ Ordered, That this Order be forthwith printed and published.

‘ Revived *April* 9, and *Dec.* 19, 1670.

‘ *Feb.* 7, 1677. The same Order, with this Addition, *viz.* after, *for the future*, add, And that if any shall be granted, by any Member, such Member shall be liable to the Censure of the House.

‘ Ordered, That this be declared to be a Standing Order of the House.

‘ Ordered, That these Orders, against written Protections, be published, by setting them up at *Westminster* Hall Gate, and at the Inns of Court, and Inns of Chancery, and at the Exchequer ; and that the Knights of the Shires do send Copies thereof to the Sheriffs of their respective Counties, and the Burgesses to their respective Boroughs.

‘ This Order revived *April* 30, 1679.—*Jan.* 23, 1698.—*March* 31, 1690.—*Nov.* 18, 1693.—*Nov.* 30, 1695 ; and *March* 29, 1712.

‘ *July* 16, 1663. Upon Information, That the Wife of Mr. *Broom Whorwood*, a Member of this House, having obtained a Decree in the High Court of Chancery against Mr. *Whorwood*, for Alimony, in
the

the late Time of Usurpation; and he having brought his Bill of Review to reverse the Decree, his Wife claims Privilege of Parliament against her Husband, as the Wife of a Member of the House of Commons, and refuseth to answer.

‘ Resolved, &c. That no Wife or Servant of any Member of this House, ought to have Privilege of Parliament allowed, in any Case, against the Husband or Master of such Servant.

‘ *March 28, 1663.* Resolved, &c. That if any menial Servant be arrested and detained, contrary to Privilege, he shall (upon Complaint thereof made) be discharged by Order from the Speaker.

‘ *Dec. 20, 1666.* Resolved, &c. That it be referred to Mr. Speaker to examine the Matter; and if he find that *William Jackson* was suited and arrested, contrary to the Privilege of this House, to give Order for his Discharge, and for Stay of all Proceedings in the Suit.

‘ Ordered, That in all Cases of the like Nature, where Servants of Members are alledged to be arrested, in Breach of Privilege, it be referred to Mr. Speaker; and, if he find it so, to give Order for their Discharge, and for Stay of the Suit.

‘ *Nov. 16, 1675.* The House being informed that Sir *Edmund Jennings*, a Member of this House, is made High Sheriff of the County of *York*; and a Debate arising thereupon, resolved, &c. That it is a Breach of the Privilege of this House for any Member thereof to be made a Sheriff during the Continuance of the Parliament; and that a Committee be named to consider of a proper Way of superseding the Commission.

‘ *May 2, 1678.* The House being informed that Mr. *John Gardiner*, Solicitor in the Cause concerning *Lindsey Level*, was this Day arrested as he was coming to attend on the House, ordered, That the Privilege of the House be allowed to the said Mr. *John Gardiner*, and that he be discharged from his Arrest.

‘ *Jan. 7, 1689.* The House being informed that Sir *Jonathan Jennings* was lately made High Sheriff of *Yorkshire*; a Debate arose thereupon, resolved,
Nem.

Nem. Con. That the nominating any Member of this House to the King, to be made a High Sheriff, is a Breach of the Privilege of this House.

‘ *Nov. 2, 1691.* Resolved, That the Privilege of this House shall not be allowed to any Members thereof, in Cases wherein they are only Trustees, a Copy of the Bill, or Declaration, being first left with such Trustee; and that the same be a Standing Order of this House.

‘ A Report how the Privilege of the House may be regulated.

‘ *Dec. 23, 1692.* Mr. *John How* (according to the Order of the Day) reported from the Committee appointed to consider how the Privilege of this House, in relation to Suits at Law and Equity, may be regulated and limited, and to report their Opinions therein to the House, That they had considered of the Matter to them referred, and had agreed upon several Resolutions, which they had directed him to report to the House, and which he read in his Place, and afterwards delivered in at the Clerk’s Table, where the same were read, and are as follow, *viz.*

‘ Resolved, That it is the Opinion of this Committee, That every Member of this House enjoy the Privilege of his Person, against Arrests and Imprisonments, in such Manner as has been heretofore used and accustomed.

‘ Resolved, That it is the Opinion of this Committee, That no Member, during the Continuance of this Parliament, have any Privilege (except personal) against a Commoner, in any Suit or Proceeding, in Courts of Law or Equity, for any longer Time than the House shall be actually sitting, for the Dispatch of Business, in Parliament. Made a Standing Order *April 17, 1699.*

‘ Resolved, That it is the Opinion of this Committee, That a Commoner has, at all Times, Liberty to file an original Bill of *Middlesex Latitat*, or *Quo Minus*; or make an Entry to save a Right, in order to prevent a Bar, by the Statute of Limitation, against any Member of this House, notwithstanding any Privilege whatsoever.

‘ Re-

‘ Resolved, That it is the Opinion of this Committee, That if any Member shall (upon Notice in Writing, signed by the Plaintiff, his or her Attorney, when and where to appear) refuse to give an Appearance to any Action whatsoever brought against him by a Commoner, at any Time, (except when the House shall be actually sitting) the Plaintiff, in such Action, shall have Liberty to complain thereof, by Petition, in the next Session of Parliament.

‘ Resolved, That it is the Opinion of this Committee, That a Commoner has, at all Times, Liberty to exhibit any Bill, in Equity, against any Member of this House to examine Witnesses thereupon, in order only to preserve their Testimony, notwithstanding any Privilege whatsoever.

‘ Resolved, That it is the Opinion of this Committee, That no Servant of any Member shall, at any Time, have any Privilege in any Suit or Proceeding, in Law or Equity, brought against him, except only as to the arresting and imprisoning his Person, during the actual Sitting of Parliament for the Dispatch of Business.

‘ Resolved, That it is the Opinion of this Committee, That the Meeting of the House at any Time, in order only to an Adjournment or Prorogation, shall not be understood, or interpreted, to give any other than personal Privilege to any Member against a Commoner.

‘ Resolved, That this House will, upon *Friday* Morning next, take the said Report into Consideration.

Note, This Report was never considered of, or agreed to, by the House.

‘ *Feb.* 14, 1694. Sir *Richard Onslow* reported the same Resolutions, but nothing was done therein.

‘ *Jan.* 31, 1694. Resolved and declared, That all written Protections, given by any Member of this House, are void; and against the Standing Order of the House.

‘ Resolved, That no Person shall be taken into Custody, upon Complaint of any Breach of Privilege of this House, before the Matter be first examined.

‘ Re-

‘ Resolved and declared, That the said Order is not to extend to any Breach of Privilege upon the Person of a Member.

‘ Revived *Nov.* 30, 1695.

‘ *Nov.* 30, 1696. Resolved, *Nem. Con.* That no Member of this House, during the Continuance of this Parliament, has any Privilege (except for his Person only) against any Commoner, in any Suit or Proceedings, in Courts of Law or Equity, for any longer Time than the House shall be actually sitting, for Dispatch of Business, in Parliament. To be communicated to the Lords at a Conference.

‘ Reviv’d *Jan.* 7, 1697.—*Nov.* 24, 1699.—*Jan.* 18, 1708. Made a Standing Order *April* 17, 1699; and *Feb.* 13, 1700

‘ Declared and resolved, That no Member of this House hath any Privilege against Payment of any Aids, Supplies, or Taxes granted to his Majesty, or any Parish Duties.

‘ *April* 14, 1697. Resolved, That no Member of this House hath any Privilege in case of Breach of the Peace, or forcible Entries, or forcible Detainers.

‘ *Dec.* 12, 1698. Resolved, That no Person be taken into Custody of the Serjeant at Arms, upon any Complaint of Breach of Privilege, untill the Matter of such Complaint has been examined, by the Committee of Privileges, and reported to the House.—Revived *Nov.* 16, 1699.

‘ Resolved, That no Member have Privilege of Parliament, in any Case, wherein he is only a Trustee.—Revived *Nov.* 16, 1699.

‘ Declared a Standing Order *Nov.* 24, 1704.

‘ *Nov.* 27, 1699. Resolved, That no Member of this House, acting as a public Officer, hath any Privilege of Parliament, touching any Matter done in Execution of his Office.

‘ *Jan.* 31, 1718. The Standing Order of the House of the 23d of *January*, 1 *William* and *Mary*, relating to Protections and written Certificates, given by Members of this House, read: And the House being moved, That the said Order may be amended, and made more effectual, ordered, *Nem. Con.* That
all

all Protections, and written Certificates of the Members of this House, be declared void in Law, and be forthwith withdrawn and called in, and that none be granted for the future; and if any shall be granted by any Member, such Member shall make Satisfaction to the Party injured, and shall be liable to the Censure of the House.

‘ Ordered, That the said Order be declared to be a Standing Order of the House.

‘ Ordered, That this Order be published, by setting up the same in the Lobby; at the House Door; at *Westminster Hall Gate*, and at the several Courts in *Westminster Hall*; at the Inns of Courts and Inns of Chancery; at the Royal Exchange; and at the two Compters in *London*: And that the Knights and Commissioners of the Shires do send Copies thereof to the Sheriffs of their respective Counties and Shires; and the Citizens to their respective Cities; and the Burgesses, and Commissioners of Burghs, to their respective Boroughs.

‘ *Nov. 16, 1722.* Resolved, *Nem. Con.* That no Co-partner, in any Trade or Undertaking, is intitled to the Privilege of this House, in respect of any Matter relating to such Co-partnership.

‘ *March 20, 1739.* The Standing Order of the House made the 31st Day of *January, 1718*, That all Protections, and written Certificates of the Members of this House, be declared void in Law, and be forthwith withdrawn and called in, and that none be granted for the future; and that, if any shall be granted by any Member, such Member shall make Satisfaction to the Party injured, and shall be liable to the Censure of this House; and also the Order of the House, made the same Day, for publishing the said Standing Order, was read.

‘ And the *Journal* of the House of the 18th of *February, 1723*, in relation to an Order of this House, for re-printing and publishing the said Standing Order, was also read.

‘ Ordered, *Nem. Con.* That the Standing Order be re-printed and published, by setting up the same in the Lobby; at the House Door; at *Westminster Hall*

Hall Gate, and at the several Courts in *Westminster* Hall; and at the Inns of Courts, and Inns of Chancery; and at the Royal Exchange; and at the two Compters in *London*; and on the Walls within the Sessions-House at *Edinburgh*; and that a Copy of the said Order be sent to the Clerk of the Peace for every County, City, Riding, Liberty, Division, and Place within that Part of *Great-Britain* called *England*; and to the principal Clerks of the Session in *Edinburgh*, with Directions to them respectively forthwith to deliver a Copy thereof to the Sheriffs and Stewards of their respective Counties, Shires, Stewardries, Cities, Liberties, and Places: And so yearly to every new Sheriff, or Steward, within one Week after he shall have been sworn into his Office; and all Sheriffs and Stewards of the several Counties, Shires, Stewardries, Cities and Places, within this Kingdom: And the Secondaries of the Compters in *London* are hereby prohibited to enter in their Books any Protection, or written Certificate, signed by any Member of the House of Commons; but, upon such Protection, or written Certificate, being directed to them forthwith to return the same to the Clerk of this House.

‘Ordered, That the Clerk of this House do forthwith acquaint the House with such Protections, or written Certificates, as shall be so returned to him, if the Parliament be then sitting; if the Parliament be not sitting, within three Days after their next Meeting.

‘Ordered, That the said Order be a Standing Order of this House.

‘*Jan.* 29, 1740. Resolved, That the bringing an Action at Law against *John Crisp*, for what he did in the Execution of his Duty, as a Constable attending the Service of this House, by endeavouring to prevent the Disorders of Chairmen, who were crouding upon the Stairs leading to the House, to the Annoyance of the Members thereof, is a Breach of the Privilege of this House.

‘*April* 9, 1742. A Complaint being made to the House, That Mr. *Gilbert Douglas*, a Solicitor for several

several Bills depending in this House, was, upon *Monday* last, arrested as he was attending this House, and the *Journal* of the House of the second Day of *May*, 1678, (in relation to the Allowance of the Privilege of this House to Mr. *John Gardiner*, Solicitor in the Cause concerning *Lindsey Level*, who was coming to attend on the House) being read, and a Witness was called in and examined, in order to prove that the said Mr. *Gilbert Douglas* was so arrested; and the House being informed, by several of their Members, That he did attend the House as Solicitor to several Bills then depending, ordered, That the Privilege of this House be allowed to the said Mr. *Gilbert Douglas*; and that he be discharged from his Arrests.

Orders touching
Motions for
Leave into the
Country.

‘ *Nov.* 29, 1606. A special Order moved and made, That no Lawyer of the House depart the Town without Leave of the House.

‘ *March* 12, 1606. Agreed for Order, That no Man should depart without paying the ordinary Fee of 6 s. 8 d. to the Clerk.

‘ *Feb.* 13, 1620, 18 *Jac.* Ordered, That no Member of this House shall go out of Town without open Motion and Licence in the House after Nine of the Clock.--After Ten o’Clock, *May* 17, 1675.--*Nov.* 18, 1675; and *Feb.* 22, 1676.

‘ *Aug.* 4, 1623, 4 *Car.* Resolved, That all the Members of the House shall attend, and not depart without Licence obtained from the House, upon Pain of the Censure thereof.

‘ Revived *Feb.* 9, 1627, 4 *Car.*

‘ *Feb.* 13, 1625. Ordered, That no Lawyer, or other Member of this House, shall depart without Licence first obtained in the House, by Motion made after Nine o’Clock.

‘ Revived *April* 5, 1626.—*Feb.* 9, 1627.—*April* 10, 1627, and *March* 10, 1640.—Ordered to be between Nine and Eleven o’Clock, *Aug.* 27, 1641.—Afterwards Ten and Eleven o’Clock, *April* 24, 1648.—Afterwards between Eleven and Twelve o’Clock, *May* 10, 1678.—*April* 29, 1690.—Afterwards between

tween Eleven and One o'Clock, *Dec.* 15, 1691.—*Dec.* 15, 1692.—*Dec.* 4, 1694.—*Jan.* 12, and *Feb.* 15, 1694.—*Jan.* 11, and *Feb.* 15, 1695.—*Nov.* 2, 6, 16, and 25, 1696.—Between One and Two o'Clock, *Jan.* 5, 1698.—*May* 31, 1701.—*May* 1, 1712; and *May* 30, 1713.

‘ *Feb.* 20, 1667. Ordered, That no Motion; for Leave for any Person to go into the Country, be moved for till after Ten o'Clock.

‘ Revived *April* 8, 1679.—Between Ten and Twelve o'Clock, *April* 10, and 25, 1679, with this Addition, Be sent for in Custody of the Serjeant at Arms attending this House; and shall not be admitted to their Places in the House till they have paid the Serjeant his Fees and Charges. The same *Dec.* 15, 1692.—*Jan.* 31, 1693.—*Dec.* 20, 1694.—*Jan.* 22, 1694.—*March* 29, 1711.—*Feb.* 23, 1722; and *Jan.* 21, 1724.

‘ *March* 15, 1688. Ordered, That, for the future, no Member of this House have Leave to go into the Country without limiting a Time when he is to return.

‘ *Feb.* 26, 1699. Ordered, That no Motion be made for any Member to have Leave to go out of Town; but when the Member, for whom Leave shall be asked, be in the House, except in case of Sickness, to be affirmed by the Member that shall make such Motion.

‘ Order for the Speaker to write circular Letters to summons the Members, the Form of them, *May* 31, 1701.

‘ *Feb.* 11, 1705. Ordered, That no Motion be admitted for any Member to go out of Town; and that no Member do presume to go out of Town, upon Pain of being sent for, in Custody, by the Serjeant at Arms attending this House.

‘ *Oct.* 27, 1680. Resolved, *Nem. Con.* That it is, and ever hath been, the undoubted Right of the Subjects of *England*, to petition the King for the Calling and Sitting of Parliaments, and redressing of Grievances. Petitioning the King to call Parliaments.

‘ Re-

‘ Resolved, *Nem. Con.* That to traduce such petitioning as a Violation of Duty, and to represent it to his Majesty as seditious and tumultuous, is to betray the Liberty of the Subject, and contributes to the Designs of subverting the antient legal Constitution of this Kingdom, and introducing arbitrary Power.

Orders for fining Defaulters, on the Call of Members absent without Leave, and Deserters, &c.

‘ *Oct.* 25, 1641. Ordered, That the House be called on *Friday* come Se’nnight; and that such Members as are then absent shall undergo such Fine, and further Displeasure of the House, as shall be imposed upon them for their Neglect.

‘ *March* 28, 1664. Resolved, &c. That the Penalty of 10 *l.* for a Fine, be imposed for every Knight of a Shire; and 5 *l.* on every Citizen, Burgess, or Baron of a Cinque Port, who shall make Default in attending when the House is next called over, whose Excuse shall not be allowed of by the House.—To be sent for, in Custody of the Serjeant, *Nov.* 6, 1666.

‘ *Dec.* 15, 1666. Ordered, That such that are sent for in Custody be not admitted to sit till they have paid their Fees.

‘ *Dec.* 17, 1666. Ordered, That the Clerk take Care the Order, for calling the House in *January* next, be printed in the next *Thursday’s Gazette*.

‘ *Dec.* 18, 1666. Ordered, That such Members of the House as do depart into the Country, without Leave, be sent for in Custody of the Serjeant at Arms.

‘ Revived *May* 11, 1689.—*Nov.* 28, 1689; and *Dec.* 2, 1690.

‘ *Feb.* 13, 1667. Resolved, &c. That every Defaulter in Attendance, whose Excuse shall not be allowed this Day, be fined the Sum of 40 *l.* and sent for in Custody, and committed to the Tower till the Fine be paid.

‘ Resolved, &c. That every Member as shall desert the Service of the House for the Space of three Days together, not having had Leave granted him by the House, nor offering such sufficient Excuse to the House as shall be allowed, shall have the like
Fine

Fine of 40 *l.* imposed on them, and shall be sent for in Custody, and committed to the Tower; and that the Fines be paid into the Hands of the Serjeant at Arms, to be disposed of as the House shall direct.

‘ To pay a Fine of 10 *l.* *April* 6, 1668.

‘ *Dec.* 20, 1670. Resolved, &c. That the House be called over on the 9th Day of *January* next; and that every Member who shall then make Default of Attendance, whose Excuse shall not be allowed by the House, shall be doubly assessed in the Bill of Subsidies. This Order to be sent to the several Sheriffs.

‘ *Nov.* 23, 1691. Ordered, That all Members, sent for in Custody of the Serjeant at Arms attending this House, do forbear coming into the House, without the Leave of the House first had.

‘ *Jan.* 25, 1709. Resolved, That such Members of this House, who do absent themselves without the Leave of the House, are to be reputed Deserters of their Trust, and Neglecters of that Duty they owe to this House and their Country.

‘ *Nov.* 6, 1666. Ordered, That such Members of this House, as are of the Long Robe, shall not be of Counsel on either Side in any Bill depending in the Lords’ House, before such Bill shall come down from the Lords’ House to this House.

Members of the Long Robe not to plead at the Lord’s Bar, in any Cause, without Leave: Members not to attend the Lords on Summons without Leave.

‘ *Nov.* 10, 1669. Resolved, That no Member of this House, of the Long Robe, do, during this Session of Parliament, plead as Counsel before the House of Lords in any Cause, without Leave asked and granted by this House after Ten o’Clock.

‘ *June* 3, 1675. Ordered, That no Member of this House do attend the Lords’ House upon any Summons from the Lords, without Leave of the House.

‘ *Dec.* 7, 1693, 5 *Gul.* Ordered, That no Member of this House do presume to plead at the Bar of the House of Lords, without Leave first obtained from this House, and to be moved for between the Hours of Eleven and One o’Clock.

‘ Revived *Dec.* 20, 1695.

332 A P P E N D I X.

‘ *April 11, 1695.* A Message from the Lords, That Sir *Robert Clayton* and Mr. *Maurice* may have Leave to declare their Knowledge, in relation to a Grant of Lands from the City of *London*. Leave given; and ordered, That Sir *Robert Clayton* and Mr. *Maurice* do insist to be examined at a Committee of Lords, and not at the Bar.

‘ *Nov. 27, 1704, 3 Annæ.* Resolved, That when Leave is asked for any Member of this House to attend at the Bar of the House of Lords, the Cause and Parties be expressed, and whether upon a Writ of Error or an Appeal.

‘ Resolved, That this House will not give Leave to any of their Members to plead at the Bar of the Lords’ House in Cases of Appeals from Courts of Equity.

Members disobeying the House censured.

‘ *Nov. 12, 1640.* Mr. *Watking*, a Member of the House, disobeying the House, being several Times commanded to withdraw, was therefore called to the Bar, and upon his Knees submitted himself to the Censure of the House.

Members gone to the Upper House sent for.

‘ *March 22, 1620, 18 Jac. P. M.* Ordered, That the Serjeant at Arms shall go to the Upper House, and charge all the Members of this House that are there presently to repair into this House, to attend the Speaker into the Upper House, upon Penalty of the Censure of this House.

Members not to visit foreign Ministers.

‘ *Feb. 1, 1643.* Resolved, &c. That this House doth declare, That it is a constant and antient Rule and Order of this House, That no Member of this House ought to receive, or giye any Visit to, any foreign Agent or Ambassador, or any other Person that avows himself to be a public Agent or Ambassador, without the Leave and Consent of the House.

Who may not be Members of this House.

‘ *Oct. 13, 1553.* It is ordered by the Committee, That *Alexander Nowell*, being a Prebendary in *Westminster*, and thereby having Voice in the Convocation-

vocation-House, may not be a Member; and so agreed by the House.

‘ *Feb. 8, 1620, 18 Jac.* Resolved, upon the Question, That the Order the last Meeting in Parliament, concerning the not serving of the Attorney-General in this House, shall stand as a new Writ; also a new Writ ordered for *Morpeth* in the room of a Minister returned.

‘ *Nov. 9, 1640.* Ordered, upon the Question, That all Projectors and unlawful Monopolists whatsoever; or that have any Share, or lately had any Share, in any Monopolies; or that do receive any Benefit from any Monopoly or Project; or that have procured any Warrant or Command for the Restraint; or molesting of any that have refused to conform themselves to any such Proclamations or Project, are disabled, by Order of this House, to sit here in this House; and if any Man knows any Monopolist, that he shall nominate him.

‘ *Nov. 10, 1707.* This House being moved, That several Clauses in the Act of the fifth and sixth Years of her Majesty’s Reign, intituled, *An Act for the better Security of her Majesty’s Person and Government, and of the Succession of the Crown of England in the Protestant Line, relating to the disabling several Officers to sit in Parliament*, might be read, and the same was read accordingly.

‘ Resolved, That every Person who, by an Act of the first Session of the last Parliament, intituled, *An Act for the better Security of her Majesty’s Person and Government, and of the Succession of the Crown of England in the Protestant Line*, is disabled, from and after the Dissolution or Determination of the said Parliament, to sit or vote as a Member of the House of Commons in any Parliament to be hereafter holden, is, by virtue of the said Act, incapable of sitting or voting as a Member of the House of Commons in this present Parliament.

‘ *Dec. 7, 1708.* Resolved, &c. That *Anthony Hammond, Esq;* being a Commissioner of the Navy, and employed in the Out-Ports, is thereby incapable of being elected as a Member of this House.

Members not to be removed for Age, Sickneſs, or Abſence beyond Sea. ' *Nov. 11, 1558.* Whereas Suit is made, That ſome Burgeſſes being ſick might be removed, and Writs iſſued for others in their Places, this Houſe doth reſolve, That they ſhall not be removed, notwithstanding their Sickneſs.

' *Aug. 18, 1641.* A Motion was made concerning the ſending of a new Writ for the electing of a Burgeſs to ſerve inſtead of Mr. *Crowcker*, who is very infirm, by reaſon of his great Age; but it would not be granted by the Houſe.

Members not to keep Popiſh Recuſant Servants. ' *Feb. 25, 1623, 21 Jac. I.* Ordered, That if any Member of this Houſe have any Servant that is a Popiſh Recuſant, or refuseth to go to Church and hear Divine Service, he ſhall preſently diſcharge him; this to be under the Penalty of Sequeſtration from the Houſe.

' Reſolved, That no Member of this Houſe be allowed to keep a Recuſant Servant, but upon public Notice and ſpecial Allowance of the Houſe.

Orders for Members to receive the Communion, and teſtify their taking the Oaths. ' *Feb. 9, 1620, 18 Jac.* Ordered, That every Member of this Houſe ſhall teſtify, in Writing, That he hath duly taken the Oaths; and if any Exception be againſt it, then he to take it again.

' *Jan. 21, 1627, 4 Car.* Ordered, That all Members of the Houſe newly returned, or to be returned this Seſſion, ſhall receive the Communion before ſome of the Parties appointed laſt Seſſion; thoſe which are already returned, and have ſat in the Houſe, to receive it on *Monday* next; and thoſe which are, or ſhall be returned, and have not ſat in the Houſe, not to come into the Houſe till they have received the Communion.—The ſame Order, *April 25, 1640.*

' *Nov. 9, 1640.* Reſolved, upon the Queſtion, That the next Lord's Day, called *Sunday*, after the firſt, ſhall be appointed for receiving the Communion by all the Members of this Houſe, at *St. Margaret's, Weſtminſter*. The ſame Order, *Nov. 26, 1640.*

' *June 2, 1660.* Reſolved, That no Member of this Houſe do, after this Day, ſit in the Houſe before

fore he hath taken the Oaths of Allegiance and Supremacy.

‘ *May 13, 1661.* Resolved, upon the Question, That the Sacrament of the Lord’s Supper shall, upon *Sunday* next come Se’nnight, being the 26th of this Instant *May*, in the Forenoon, be administered at *St. Margaret’s Church in Westminster*, according to the Form prescribed in the Liturgy of the Church of *England*; and that all the Members of this House shall then and there receive the said Sacrament; and that whosoever shall not then and there receive the said Sacrament, shall not, after that Day, come into the House untill he shall have received the said Sacrament, in the Presence of two or more of the Parties hereafter appointed to that Purpose, and the same to be certified, and the Certificate thereof allowed by the House: And for the better Discovery who shall then receive the said Sacrament, and who not, it is further ordered, That *Sir Anthony Cope, Sir John Bramston, Sir Philip Warwick, Sir John Gooderick, Sir Allen Broderick, and Sir George Reeve*, shall take especial Notice of all such as shall then and there receive the said Sacrament; and that every Member of this House shall then bring with him a Note, in Writing, containing his Name, and the Shire whereof he is a Knight, and the City whereof he is a Citizen, and the Borough whereof he is a Burgefs, and the Port whereof he is a Baron; which Note he shall, in the same Church, when the same shall be demanded of him, deliver to the said Parties before particularly mentioned, some or one of them: And the said Persons, so appointed, are likewise to take particular Notice of every Member of this House, at such Time as he receives the said Sacrament.

‘ *The same Order, Nov. 9, 1666.*

‘ *Jan. 31, 1699.* Resolved, That, for the future, no Person be recommended to preach before this House, who is under the Dignity of a Dean in the Church, or hath not taken his Degree of a Doctor of Divinity.

336 A P P E N D I X.

‘ *June 4, 1742.* The House was moved, That the Resolution of the House of the 31st of *Jan.* 1699, That, for the future, no Person be recommended to preach, &c. might be read, and the same being read accordingly, resolved, *Nem. Con.* That, for the future, no Person, except the Chaplain of this House, be recommended to preach before this House, who is under the Dignity of a Dean in the Church, or hath not taken his Degree of Doctor of Divinity.

‘ Ordered, That the Chaplain to this House do preach before this House at *St. Margaret’s, Westminster*, upon *Friday* the 11th of this Instant *June*, being the Anniversary of his Majesty’s happy Accession to the Throne.

Order on attending the Lords, as a Committee of the whole House.

‘ *Aug. 8, 1625, 1 Car.* Sir *Robert Philips* moved to send to the Lords, to know whether they intend a Committee of the whole House, or the whole House with the Speaker; because in the one Case to be uncovered, in the other Case not.

‘ Resolved, That the Speaker and all to go as a House; and if the Lords keep bare, then to do the like; if they cover, then the Speaker and the House to do the like.

Against holding South-Sea Stock for Members, declared infamous and corrupt.

‘ *Jan. 12, 1720.* Mr. *Broderick* moved from the Committee to inquire into the Proceedings of the South-Sea Directors, that such Persons as the Committee shall think proper to be examined, may be examined in the most solemn Manner, ordered, That such Persons as the said Committee shall think proper to be examined, relating to the Matter of the said Inquiry, be examined in the most solemn Manner.

‘ *Jan. 19, 1720.* Ordered, That the Committee be empowered to examine Sir *Robert Chaplin*, Sir *Theodore Janssen*, *Francis Eyles*, and *Jacob Sawbridge*, Esqrs. Members of this House, and Directors of the South-Sea Company, in the most solemn Manner.

‘ *Feb. 18, 1720.* Resolved, *Nem. Con.* That the taking in, or holding of Stock by the South-Sea Com-

Com-

Company, for the Benefit of any Member of either House of Parliament, or Person concerned in the Administration, (during the Time that the Company's Proposals, or the Bill thereto relating, were depending in Parliament) without any valuable Consideration paid, or sufficient Security given, for the Acceptance of, or Payment for, such Stock; and the Company's paying or allowing such Person the Difference arising by the advanced Price of the Stock, were corrupt, infamous, and dangerous Practices, highly reflecting on the Honour and Justice of Parliaments, and destructive to the Interest of his Majesty's Government.

' Dec. 1, 1645. Declaration of the House about taking Money for transacting Business in the House. Orders against Members taking Money for transacting Business,

' Dec. 30, 1680. Resolved. *Nem. Con.* That no Member of this House shall accept of any Office or Place of Profit from the Crown, without the Leave of this House, or any Promise of any such Office or Place of Profit during such Time as he shall continue a Member of this House. or accepting of Entertainments, or Places from the Crown, &c.

' Resolved, &c. That all Offenders herein shall be expelled the House.

' Jan. 4, 1692. Resolved, That no Member of this House do presume to accept of any Entertainment at any Public House, for the carrying of any Matter under the Consideration of the House, upon Pain of incurring the Censure of the House.

' March 18, 1694. Resolved, That whosoever shall discover any Money, or other Gratuity, given to any Member of this House, for Matters transacted in this House, relating to the Orphans' Bill, or the *East-India* Company, shall have the Indemnity of the House for the Discovery of such Gift.

' May 2, 1695. Resolved, That the Offer of any Money, or other Advantage, to any Member of Parliament for promoting of any Matter whatsoever depending, or to be transacted, in Parliament, is a high Crime and Misdemeanor, and tends to the Subversion of the *English* Constitution.

' *Ord.*

Concerning the
printing Mem-
bers Names, re-
flecting and mis-
representing their
Proceedings, and
aspersing them;
also insulting, or
menacing them.

‘ *Oct. 30, 1696.* Resolved, *Nem. Con.* That the printing the Names of the Members of this House, and reflecting on the Members of this House for their Proceedings in Parliament, is a Breach of the Privilege of this House, and destructive of the Freedom and Liberties of Parliaments.

‘ *April 22, 1699.* Resolved, That the publishing the Names of the Members of this House, and reflecting upon them, and misrepresenting their Proceedings in Parliament, is a Breach of the Privilege of this House, and destructive to the Freedom of Parliaments.

‘ *Feb. 7, 1701.* Resolved, That the aspersing the last House of Commons, or any Member thereof, with receiving *French* Money, or being in the Interest of *France*, was a scandalous, villainous, and groundless Reflection, tending to Sedition, and to create a Misunderstanding between the King and his People. Resolved, That *Thomas Colepepper*, Esq; is guilty of promoting the said scandalous, villainous, and groundless Reflection upon the said House of Commons, and that he be for his said Offence committed to *Newgate*.

‘ *May 2, 1704.* Resolved, That to asperse any Member of the House of Commons with being in the Interest of the pretended Prince of *Wales*, or the *French* Government, for or in respect of his Behaviour and Proceedings in the House of Commons, is villainous and seditious, destructive to the Liberties of Parliament, and the Freedom of Elections, and tends to create a Misunderstanding between her Majesty and her Subjects.

‘ *April 12, 1733.* Complaint being made to the House, by several Members of this House, That a tumultuous Croud of People were assembled together last Night, and several Days, during this Session, in the Court of Requests, and other Avenues to this House; and that themselves, and several other Members of this House were, last Night, in their Return from this House, menaced, insulted, and assaulted by a tumultuous Croud of People in the Passages to this House, resolved and declared, *Nem.*

Con.

Con. That the assaulting, insulting, or menacing any Member of this House, in coming to, or going from, the House, upon the Account of his Behaviour in Parliament, is an high Infringement of the Privilege of this House, a most outrageous and dangerous Violation of the Rights of Parliament, and an high Crime and Misdemeanor.

‘ Resolved and declared, *Nem. Con.* That the assembling and coming of any Number of Persons, in a riotous, tumultuous, and disorderly Manner to this House, in order either to hinder or promote the passing of any Bill, or other Matter depending before the House, is an high Infringement of the Privilege of this House, and is detrimental to the Freedom and Constitution of Parliament, and an high Crime and Misdemeanor.

‘ Ordered, That the Members of this House, who serve for the City of *London*, County of *Middlesex*, and City of *Westminster*, do signify the said Resolutions and Declarations to the Lord Mayor of *London*, Sheriffs of *Middlesex*, and High Bailiff of *Westminster*.

‘ *March 5, 1662.* Ordered, That the Back-door of the Speaker’s Chamber be locked up every Morning, at the Sitting of the House, and the Key delivered to the Clerk, to be locked up by him; and that he do not presume to deliver the same to any Person whatsoever, without the Order of the House; and that the Serjeant at Arms attending this House do take Care to clear the Speaker’s Chamber every Day before the Door is locked up.

‘ Revived, *Jan. 29, 1673.*

‘ *April 8, 1670, P. M.* Resolved, That the Back-door in the Speaker’s Chamber be nailed up, and not opened during any Session of Parliament.

‘ *April 7, 1679.* Ordered, That the Back-door belonging to the Speaker’s Chamber be locked up, and that the Keys do lie upon the Table whilst the House is sitting, and that the Window next adjoining to the said Door be shut up.

Feb.

340 A P P E N D I X.

‘ *Feb. 5, 1688.* Ordered, That the Back-door leading into the Speaker’s Chamber be, from Time to Time, kept locked up during the Sitting of this House, and the Key to be kept lying upon the Table, and not to be delivered out without Leave of this House; and that the Serjeant at Arms do take Care to see this Order executed.—Revived, *April 2, and Nov. 15, 1690.*

‘ *Jan. 28, 1688.* Ordered, That the Serjeant at Arms do take Care to keep the Speaker’s Chamber free from Strangers; and the Back-door being locked up, the Key be brought and laid upon the Table.

‘ *Jan. 29, 1688.* Ordered, That the Serjeant at Arms do keep the Gallery free from Strangers; and that the Back-door be locked up, and the Key brought and laid upon the Table; which was done accordingly.

‘ *April 21, 1698.* Ordered, That the Serjeant do lock up the Back-door in the Speaker’s Chamber every Morning at Ten o’Clock, and bring the Keys and lay them upon the Table.

‘ Revived, *Nov. 24, 1699.*

‘ Made a Standing Order, *Nov. 24, 1702.*

Orders for keeping the Bar of the House clear, and taking Strangers into Custody.

‘ *Dec. 20, 1650.* Resolved, That the Serjeant at Arms do not permit any Persons to come within this House in the Morning that the House sits, save only the Members of the House, the Minister that prays, and the Officers attending the House.

‘ *Feb. 8, 1688.* Ordered, That the Serjeant at Arms do take Care to keep the Bar of this House clear from being stopped up by the standing of the Members there, who ought to sit in their Places, and attend the Service of the House.

‘ *Feb. 26, 1688.* Ordered, That the Serjeant at Arms attending this House do, from Time to Time, take into his Custody any Stranger or Strangers that he shall see, or be informed to be, in the House or Gallery, while the House, or any Committee of the whole House, is sitting.—Revived, *Nov. 21, 1689.*—*April 2, 1690.*—*Oct. 31, 1705.*—*March 16, 1719,* is added, And that no Person so taken into Custody be discharged out of Custody, without the

A P P E N D I X. 341

the special Order of the House.—After this revived annually.

‘ *Nov. 15, 1705.* Ordered, That the Serjeant at Arms do take into Custody all such Strangers as do presume to come into the Body of the House or Galleries, during the Sitting of any Committee therein; and that the Lobby and Stairs be kept clear of Footmen. Made a Standing Order of the House.

‘ *Jan. 26, 1709.* Ordered, That no Member do presume to bring any Strangers into the House or Gallery whilst the House is sitting.

‘ *Jan. 28, 1641.* Ordered, That if any Footman, or other Person whatsoever, shall offer any Affront or Abuse to the Guards appointed to attend this House, that the Guards shall apprehend such Persons, and bring them to this House to receive condign Punishment. And it is likewise ordered, That no Footman that belongs to any Member of this House, or to any other, shall come up the Stairs of this House, or stand on the Stairs. Orders for keeping the Lobby and Stairs free from Footmen, &c.

‘ *Oct. 13, 1666.* Ordered, That no Pages, Footmen, or Footboys be suffered to be in any of the Lobbies, or on the Stairs leading to the House, during the Sitting of the House; and that the Serjeant at Arms do take Care to put this Order in Execution.

‘ The same Order, and the Footmen to attend in the Hall, *June 4, 1685.*

‘ Revived *March 5, 1699.*

‘ *Nov. 12, 1670.* Ordered, That no Lackey, or Footman, belonging to any Member of this House, or other Gentlemen’s Servants, do hereafter presume to stand upon any Part of the Stairs leading up to this House; and in case any of them shall do contrary hereunto, such Lackey, or Footman, is to be sent to the House of Correction; and the Serjeant at Arms attending this House is to see that this Order be set up at the further Door of the Lobby.

‘ The Serjeant ordered to take them into Custody, and Knight Marshal’s Officer to assist the Serjeant, *February 7, 1672.—April 16, 1675.—December 22, and February 8, and 22, 1676; and July 31, 1721.*

‘ *June*

342 A P P E N D I X.

‘ *June 4, 1685.* Ordered, That the several Members of this House be desired to disarm their Footmen and Lackies attending this House.

‘ *Jan. 22, 1688.* Ordered, That the Serjeant at Arms attending this House do take especial Care to keep the Stairs and Passage to the House free from Interruption by Footmen and Lackies; and that no Footman or Lackey do presume to stand upon the Stairs, whereof they are required to take especial Notice, and demean themselves accordingly; and that this Order be affixed on the Doors of *Westminster Hall*, and the Posts and other convenient Places adjacent to this House.

‘ Revived *December 20, 1695.*

‘ On Complaint, to be taken into Custody, *February 8, 1695.*

‘ *Jan. 13, 1693.* Ordered, That the Serjeant at Arms do take Care to keep the Stairs clear from Footmen, and that he do take into his Custody such of them as shall behave themselves rudely; and that the Constables of *Westminster* do take Care that the Passages in and about *Westminster Hall* be kept clear from Chairmen and Coachmen, so that they may not stop or annoy the Members of this House; and this Order to be affixed upon *Westminster Hall Gate*, and the Lobby of this House.

‘ Made a Standing Order *January 18, 1699.*

‘ To be taken into Custody, and not discharged but by special Order of the House, *March 16, 1720.*

‘ *Jan. 27, 1699.* Ordered, That the Serjeant at Arms, and his Messengers, do take all possible Care to keep the Lobby, Passages, and Stairs of the House clear of all loose, idle, and disorderly Persons.

‘ *April 10, 1700.* Ordered, That the Lobby be cleared of all Strangers, and that the Back-door of the Speaker’s Chamber be lock’d up, and the Key brought and laid upon the Table; and that the Serjeant do stand at the Door of the House, and suffer no Members to go forth.—Revived *June 9, 1715.*

‘ *Jan. 14, 1729.* Ordered, That the Serjeant at Arms attending this House do take Care there be no Gaming or other Disorders in the Room now fitted

up for the Footmen attending the Members of the House to wait in.

‘ Revived every Session.

‘ *Feb. 6, 1717.* Ordered and declared, That when the House shall be sitting, and Day-light shall be shut in, that the Serjeant at Arms attending this House do take Care that Candles be brought in, without any particular Order for that Purpose.

‘ Resolved, That the said Order be a Standing Order of the House.

‘ *Aug. 14, 1625, 1 Car.* Resolved, That every Knight of the Shire is to pay Ten Shillings, and every Burgess Five Shillings, according to the Note delivered in by the Committee for *London, &c.* and whosoever is absent to pay double.—The Sum collected, 112*l.* 10*s.* 4*d.*

‘ *June 24, 1641. P. M.* Resolved, upon the Question, That every Knight shall pay Twenty Shillings, and every Burgess Ten Shillings, to be disposed of, by Order of this House, amongst such Officers as they shall think fit, for a Reward for their several great Pains.

‘ Resolved, *&c.* That these Monies shall be paid in by *Monday* next.

‘ Resolved, *&c.* That those that have not paid in their Monies by *Monday* next shall pay double.

‘ Moved, That the House might be kept sweet and clean; and the Serjeant was required to take Care that it might be so kept accordingly.

‘ *May 16, 1662. P. M.* Ordered, That every Knight of the Shire, now present in Town, do give amongst the Servants of the House of Commons Ten Shillings; and every Citizen, Burgess, or Baron, now in Town, Five Shillings; and every Knight, Citizen, Burgess, or Baron, that is absent, to give double the said Sums of Ten Shillings and Five Shillings respectively amongst the said Servants; and that if any of the Members that are present do not pay in their Monies before *Tuesday* Morning, such as shall fail shall be taken as absent, and pay double the

344 A P P E N D I X.

the Sums before-mentioned respectively; and the said Monies is to be paid in to Mr. *Sharp*, Deputy to the Clerk of this House; and is to be distributed amongst the Servants by Mr. Speaker.

‘ Revived *May* 12, 1664.—*Jan.* 2, 1666.—*April* 24, 1688.—*March* 4, 1670.—*March* 24, 1672.—*May* 31, 1678.—*Oct.* 31, 1689.—*Dec.* 15, 1690; and *Jan.* 1, 1695.

‘ *April* 6, 1700. The Clerk of the House, Serjeant at Arms, Clerk Assistant, and other Clerks and Officers of this House, having served with great Diligence and Fidelity, and being but slenderly provided for, resolved, That the said Clerk of the House, Serjeant at Arms, Clerk Assistant, and other Clerks and Officers, be humbly recommended to his Majesty, that they may have competent Salaries answerable to their Trust and Services settled upon them.

‘ *Feb.* 22, 1731. Resolved, That all Fees to be demanded or taken by any Officer or Servant of the House, be fixed according to the Rate of the List of Fees entered in the *Journal* of the Year 1700; and that Tables of the same, being first perused by Mr. Speaker, be printed and hung up in the Speaker’s Chamber, in the Lobby, and in the Clerk’s Office; and that the Clerk take Care to renew such printed Tables, from Time to Time, as Occasion shall require; and to preserve them always fair and legible.

‘ Resolved and declared, *Nem. Con.* That if any Officer, or Servant, of this House shall presume to demand or take any greater Fee than what shall be contained in the said printed Tables, this House will proceed against such Officer, or Servant, with the utmost Severity.

‘ Ordered, That the said Resolutions be Standing Orders of the House.

‘ Ordered, That the said Resolutions be printed with the said Tables.

Orders about

Post-Letters and
Franking.

‘ *Aug.* 14, 1689. Resolved, That the breaking open Letters directed to, or sent from, any Member of this House, is a Breach of the Privilege of this House.

‘ *Feb.*

‘ *Feb. 1, 1692.* Ordered, That no Letter from any Member of this House go frank by the Post, but what shall be signed by the proper Hand of such Member.

‘ *March 7, 1694.* Ordered, That the Post-Master attending this House do not, at any Time, deliver any Letters to any Members during the Sitting of the House.—Revived *December 20, 1695.*

‘ *Feb. 10, 1698.* Ordered, That no Post Letters directed to any Members of the House be delivered out untill after the Rising of the House.—Revived *February 18, 1700.—October 24, 1702.—November 9, 1702,—Declared a Standing Order October 24, 1704; and December 21, 1708.*

‘ *May 27, 1698.* Resolved, That it is the Opinion of this Committee, That, as a proper Means to prevent the intercepting of Letters belonging to the Members of the House for the future, the Person appointed to bring them from the Post-Office shall constantly attend two Hours, at the least, at the Place appointed for the Delivery of the said Letters; and take Care, during his Stay there, to deliver the same to the several Members to whom they shall be directed, and to no other.

‘ Resolved, That it is the Opinion of this Committee, That the said Officer, upon his going away, shall give such Letters as shall remain undelivered to one of the Servants belonging to the House, who shall take Care to deliver the said Letters to the several Members to whom they are directed, or their known Servants, or unto such Person who shall produce a Note under the Hands of the Members who shall send for the same.

‘ Resolved, That it is the Opinion of this Committee, That a more convenient Place should be appointed from whence the Letters may be delivered, or that the Place from whence they are at present delivered be enlarged.

‘ The said Resolutions, being severally read a second Time, were, upon the Question severally put thereupon, agreed unto by the House.

‘ *March*

‘ *March 28, 1727.* The two first Orders revived, and sent to the Commissioners for executing the Office of Post-Master-General.

‘ *Sept. 9, 1715, 1 Geo.* A Complaint being made to the House of great Abuses in franking Post Letters, tending to the lessening of his Majesty’s Revenues, and to the dispersing of seditious and scandalous Libels, ordered, *Nem. Con.* That no Member of this House do presume to frank any Letter, unless the whole Superscription of such Letter be of his own Hand-writing.

‘ A Motion being made, and the Question being put, That no Letter directed to any Member of this House be carried free of the Duty of Postage, unless such Member then actually resides at the Place to which such Letter is directed, it was resolved in the Affirmative.

‘ Ordered, That no Member of this House do presume to frank any public News Paper to be sent into the Country, but such as are printed.

‘ *May 22, 1728.* Ordered, That, to prevent the intercepting of Letters directed to the Members of this House, the Person appointed to bring Letters from the General Post-Office to this House, or some other Person to be appointed by the Commissioners for executing the Office of Post-Master-General, do, for the future, every Day during the Session of Parliament, (*Sundays* excepted) constantly attend from Ten o’Clock in the Morning till One in the Afternoon; and also for two Hours, at least, immediately after the Rising of the House; and also on every *Wednesday, Friday, and Monday*, from Five of the Clock in the Afternoon till Seven, at the Place appointed for the Delivery of the said Letters; and take Care, during his Stay there, to deliver the same to the several Members to whom they shall be directed, or to their known Servants, or others bringing Notes under the Hands of the Members sending for the same.

‘ Ordered, That the said Officer do, upon his going away, lock up such Letters as shall remain undelivered;

delivered; and that no Letters be delivered, but within the Hours aforesaid.

‘ Ordered, That the said Order be sent to the Commissioners for executing the Office of Post-Master-General.—Revived, with Additions, *January 14, 1729.*

‘ *April 16, 1735.* The House, according to Order, proceeded to take into Consideration the Report from the Committee to whom the Copy of his Majesty’s Warrant, whereby Letters are permitted to pass free from the Duty payable upon Post Letters, was referred: And the said Report was read, and the Resolutions of the Committee are as follow, *viz.*

‘ Resolved, *first*, That it is the Opinion of this Committee, That the Privilege of franking Letters by the Knights, Citizens, and Burgeſſes chosen to represent the Commons in Parliament, began with the erecting a Post-Office within this Kingdom by Act of Parliament.

‘ Resolved, *secondly*, That it is the Opinion of this Committee, That all Letters, (not exceeding two Ounces) signed by the proper Hand of, or directed to, any Member of this House, during the Sitting of every Session of Parliament, and forty Days before, and forty Days after every Summons or Prorogation, ought to be carried, and delivered freely and safely, from all Parts of *Great-Britain* and *Ireland*, without Charge of Postage.

‘ Resolved, *thirdly*, That it is the Opinion of this Committee, That it is an high Infringement of the Privilege of the Knights, Citizens, and Burgeſſes chosen to represent the Commons of *Great-Britain* in Parliament, for any Post-Master, his Deputy or Agents, in *Great-Britain* or *Ireland*, to detain or delay, open or look into, by any Means whatsoever, any Letter directed to, or signed by the proper Hand of, any Member, without an expreſs Warrant in Writing, under the Hand of one of the Principal Secretaries of State, for such detaining, delaying, opening, or looking into.

‘ Resolved, *fourthly*, That it is the Opinion of this Committee, That all Letters directed to any

Members of this House, at any Place within the Bills of Mortality, be carried by the proper Officers of the Post-Office to the House or Lodgings of such Member, or to the Lobby of the House of Commons.

‘ Resolved, *fifthly*, That it is the Opinion of this Committee, That it is a notorious Breach of the Privilege of the House of Commons, for any Person to counterfeit the Hand, or put the Name, of any Member of the House of Commons upon any Letter, in order to prevent its being charged with the Duty of Postage.

‘ Resolved, *sixthly*, That it is the Opinion of this Committee, That such Person as shall presume to do the same ought to be proceeded against with the utmost Severity.

‘ The first and second Resolutions, upon the Question, agreed to by the House: The Debate of the third adjourned.

‘ *April 25, 1735.* The Debate of the third Resolution resumed; and the said Resolution being read a second Time, and amended, was agreed to by the House as follows, *viz.*

‘ Resolved, That it is a high Infringement of the Privilege of the Knights, Citizens, and Burgeſſes, chosen to represent the Commons of *Great-Britain* in Parliament, for any Post-Master, his Deputy or Agents, in *Great-Britain* or *Ireland*, to open or look into, by any Means whatsoever, any Letter directed to, or signed by the proper Hand of, any Member, without an expreſs Warrant in Writing, under the Hand of one of the Principal Secretaries of State, for every such opening or looking into; or to detain or delay any Letter directed to, or signed with the Name of, any Member, unless there shall be just Reason to suspect some Counterfeit of it, without an expreſs Warrant of a Principal Secretary of State, as aforesaid, for every such detaining or delaying.

‘ The rest of the Resolutions of the said Committee, being severally read a second Time, were, upon the Question severally put thereupon, agreed to by the House.

Jan.

‘ *Jan. 26, 1742.* Complaint being made to the House, That the Hand Writing of a Member of this House had been counterfeited upon several Letters, in order to prevent their being charged with the Duty of Postage, resolved, *Nem. Con.* That an humble Address be presented to his Majesty, That he will be graciously pleased to give Directions to his Attorney-General to prosecute at Law such Persons as counterfeit, or otherwise fraudulently make Use of, the Hand Writing of Members of this House upon Letters, in order to prevent such Letters being charged with the Duty of Postage.

‘ *June 2, 1626, 2 Car. I.* The House to be called, ^{Call of the House,} and no Excuse to be made till the House be fully ^{the Manner.} called over; and then the Excuses to be heard, the Forfeitures to be disposed and disbursed, in such Sort as the House shall think fit; and if any failing, and their Excuses not allowed, shall not pay the Money forfeited within a Week, then the Serjeant at Arms to be sent for him to come to the House to answer it; and, after the House is called over, the Defaulters to be presently called.

‘ The Sum to be forfeited 10*l.* *June 10, 1626.*

‘ *Dec. 8, 1699.* Ordered, That Lamps be set up ^{Orders for setting} every Night upon the Stairs to this House, and in ^{up Lamps.} the Passages and other convenient Places, for the better Accommodation of the Members in their Attendance upon Committees.

‘ *Feb. 19, 1700.* Ordered, That Lamps be set up every Night upon the Stairs to this House, and in the Passages and other convenient Places, for the better Accommodation of the Members in their Attendance upon the Service of the House and Committees.

‘ Ordered and declared a Standing Order.

‘ *Feb. 19, 1701.* Ordered, That the Serjeant at Arms do give Notice to the proper Officer that there be more Lamps or Lights set up in convenient Places leading to, and in the Passages about, the House, and the Streets leading thereto.

Orders against
Obstructions in
the Streets, and
against Gaming
in *Westminster*
Hall, &c.

‘ *Feb. 12, 1667.* Ordered, That the Constables, and other Officers of *Middlesex* and *Westminster* concern’d do take Care that, from Eight o’Clock in the Morning till Two in the Afternoon, being the usual Times of the Meeting and Rising of this House, the Passages through the Streets between *Temple Bar* and *Westminster Hall* be kept free and open, and that no Obstruction be made by Cars, Drays, Carts, or otherwise, to hinder the Passage of the Members to and from this House; and the Serjeant at Arms attending this House is to give Notice of this Order; and it is referred to Mr. *Done* and Mr. *Bonithon*, Justices of the Peace for the County of *Middlesex*, to see this Order executed and performed.

‘ Altered from Nine to Three o’Clock in the Afternoon.

‘ Altered from Ten to Four in the Afternoon, *Nov. 19, 1685.* Altered from Eleven to One, and from Four to Six in the Afternoon, *Jan. 16, 1735.*

‘ *Jan. 28, 1697.* Ordered, That Mr. Speaker do issue his Warrant to the High Constable of *Westminster*, that the Constables in *Westminster* do take Care there be no Gaming or other Disorders in *Westminster Hall*, during the Sitting of Parliament.

‘ *Dec. 12, 1699.* Ordered, That the Constables in waiting do take Care that there be no Gaming or other Disorders in *Westminster Hall*, during the Sitting of Parliament; and that there be no Annoyance by Chairmen, or otherwise, thereabouts.

‘ Resolved, That these Orders be sent to the High Bailiff of *Westminster*, and that he do see the same put in Execution.

‘ Ordered and declared a Standing Order, *February 19, 1700.*

‘ These Orders renewed every Session.

‘ *Jan. 21, 1715.* Ordered, That the Justices of Peace for the Cities of *London* and *Westminster* do take Care that the Scavengers keep the Passages through the Streets, between the *Royal-Exchange* and *Westminster Hall*, free and open from all Nuisances whatsoever; and that there be no Obstruction to hinder the Passage of the Members to and from

from this House; and that the Serjeant at Arms, attending this House, do give Notice of this Order to the Justices aforesaid.

‘*Jan. 14, 1729.* Ordered, That the Serjeant at Arms, attending this House, do take Care that there be no Gaming or other Disorders in the Room now fitted up for the Footmen attending the Members of this House to wait in.

‘ Ordered, That the Serjeant at Arms, attending this House, do take into his Custody such Footmen as shall presume to disobey the Orders of the House; and that no such Footmen be discharged out of Custody, but by special Order of the House.

‘*Feb. 8, 1739.* The House was moved, That the Journal of the House, of the 21st of *January, 1715*, in relation to their Order to the Justices of the Peace for the Cities of *London* and *Westminster*, might be read; and the same was read accordingly.

‘ And the same Order for keeping the Streets free and open was made.

‘ Complaint being made to the House, That great Numbers of idle and disorderly Persons do daily, under the Pretence of asking Charity, infest the Streets and public Places of the City and Liberty of *Westminster*, to the great Annoyance and Interruption of the Members of this House in their Passage to and from this House, and of other Persons going on their lawful Occasions, notwithstanding the great Collections which have been made for the Relief of the Poor during the present severe Season, over and above the Provision of the respective Parishes for that Purpose, ordered, That Mr. Speaker do send to the Justices of the Peace for the said City and Liberty, and to the Vestries of the respective Parishes there, that Directions may be given forthwith by them to the Beadles, Constables, and other Officers of the said respective Parishes, to put the Laws in Execution against all idle and disorderly Persons who shall be found infesting the Streets, and other public Places of the said City and Liberty, under Pretence of asking Charity.

Orders and Resolutions touching Trials on Impeachments.

‘ *March 16, 1640.* Mr. *Whitlocke* reported from the Committee for the Earl of *Strafford*, That whereas the House of Commons have formerly declared to their Lordships, That the Earl of *Strafford* being impeached by them, do conceive it doth belong to them to resolve in what Manner they will be present at this Trial, and that of Right they may come as a House, if they please ; but, for some special Reasons upon this Occasion, they are resolved to send their own Members, as a Committee of the whole House, authorized by the House to be present at the Trial, to hear, and some particular Persons of themselves to manage, the Evidence.

‘ The House of Commons doth still continue their Resolutions in every Part thereof and therein, and in the Matter of allowing Counsel, and their Lordships’ Reservation to their Judgments, what is Matter of Fact, and what not ; the House of Commons do save to themselves, as they have formerly done, all Rights that do pertain to them, according to the Laws and the Course of Parliament ; and to declare that the Proceedings in this Case shall not be drawn into Precedent to the Prejudice of the Commons.

‘ Ordered, That this Protestation be, by way of Conference, transferred to the Lords.

‘ Upon Sir *John Colepeper’s* Report from the Committee that was appointed to view the Place, and to regulate the Order and the Manner of the Committee of the House coming and being there, it was ordered, *first*, That the Members of the Commons shall sit together, without intermixing of any others in that Place which is prepared for them.

‘ *Secondly*, That, in respect of the Inconvenience of it, the Members shall not come to meet at the House on *Monday* Morning, but come directly to the Place of Trial.

‘ *Thirdly*, That, for the well ordering of the Business, the same Committee, with the Addition of Mr. *Perd*, shall be present at the several Doors, at the Entrance of the Place appointed for the Members of the House, by Six of the Clock ; and are directed and required by the House to admit none but

but such as shall bring Tickets of their Names and the Places for which they serve ; and that none of the Members of the House shall be admitted to come in, before those that are appointed to attend at the Doors shall come in ; and that if any other Stranger or Member of the House shall offend against this Order, those who are appointed to attend this Service shall report it to the House. And it is further ordered, That all the House shall be there by Eight of the Clock at the farthest, and that such Places shall be reserved for them that attend this Service, as they shall find to be most proper and convenient for them.

‘ Ordered, That the Serjeant at Arms shall attend within the Court, and his Men without, to be employed in such Service as they who manage the Evidence shall appoint.

‘ He farther reported, That the Speaker might be present in some private Place, and as a particular Member of this House ; but the Committee doth not think fit that the House should declare any Order in it, touching the Members of this House being covered at the Trial ; the Committee thinks it not fit for them to deliver any Opinion, only they offer the Difference that may be, when both Houses meet, or Committees of both Houses, and the present Case, where the Lords are to meet as a House, and the Commons as a Committee of their House.

‘ *P. M.* Ordered, That those Members of the House, that are appointed to manage the Evidence at the Trial of the Earl of *Strafford*, shall have Power, if they have been sworn at the Bar, to forbear to proceed any farther in the managing of their Evidence, untill they have resorted unto the House, and have received farther Orders from, &c.

‘ *March 24, 1640.* Ordered, That no Member of this House shall stand in the Place appointed for the Earl of *Strafford*’s Witnesses at the Time of the Trial, unless it be such as, by the said Earl, are required to be there as Witnesses.

‘ Ordered, That no Member of this House confer with the Earl of *Strafford* during the Time of his Trial.

‘ *Feb.*

‘ *Feb. 16, 1641.* Mr. *Whisther*, a Member of this House, of his own Accord, did publicly confess he had committed an Error, (being a Member of this House) in being Bail for the Bishop of *Oxon*, who was accused, by this House, of High Treason, and that he was heartily sorry for it; which, upon his voluntary Acknowledgement thereof, the House rested satisfied, and pardoned his Offence.

‘ Resolved, &c. That no Person or Persons whatsoever, whom this House shall accuse of High Treason, and be thereupon committed, ought to be bailed without the Consent of this House.

‘ *March 8, 1641.* Resolved, That the Committee of this House, employed to manage the Evidence at the Trial of Mr. Attorney, in the Lords’ House, shall not continue there to hear any Counsel plead to the Matter of Fact, or to the Privilege of Parliament.

‘ *May 11, 1642.* Ordered, That this Case of *St. Gregory’s*, in respect it is no Impeachment, but a Declaration of the Injuries done to the Parishioners, and of their private Interest, that no Members of this House shall attend the Management of it before the Lords.

‘ *Jan. 10, 1643.* Resolved, &c. That this House doth declare, That the Lords demanding of any particular Members, and nominating the said Members to consider with about any Matters, as they did by the Message of the 8th of *January, 1643*, in the Business touching the Queen’s Impeachment, is a Breach of the Privilege of this House, and therefore cannot be yielded unto, or granted, by this House.

‘ *Dec. 5, 1667.* Resolved, &c. That when any Subject shall be impeached of High Treason, generally, by the House of Commons, before the Lords in Parliament, and desired to be forthwith secured, such Person impeached ought, for the Safety of the King and Kingdom, to be accordingly secured.

‘ Resolved, &c. That when such impeached Person shall be secured, The Lords may limit a convenient Time to bring his particular Charge before them, for the avoiding Delays in Justice.

‘ *Nov.*

‘ *Nov. 29, 1680.* Ordered, That the Members of this House do sit together, without mingling with other Persons, in that Place which is prepared for them at the Trial of the Lord *Strafford*; and that Mr. *Howard*, Captain of the Yeomen of the Guard, is desired to take Care herein.

‘ *Dec. 2, 1680.* Ordered, That nothing that hath been, or shall be, said by any Member of this House, or by any Person that shall be produced as a Witness in Behalf of the Commons of *England*, in the Trial of *William Viscount Stafford*, be printed or published without the Leave of this House.

‘ *Dec. 6, 1680. P. M.* Ordered, That no Member of this House do go into the Court in *Westminster Hall* To-morrow Morning before this House shall have demanded Judgment at the Bar of the House of Lords, upon the Impeachment of the Commons of *England* against *William Viscount Stafford*; and that Mr. *Howard* have Notice hereof.

‘ *June 4, 1689.* Resolved, That it is the Opinion of this House, That a Pardon is not pleadable in Bar of an Impeachment in Parliament.

‘ *July 2, 1698.* Ordered, That the Officers and Door-keepers of this House do attend in *Westminster Hall* upon *Monday* Morning next, at the Place appointed for the Committees of this House, to be present at the Trial of *Peter Longueville*, upon the Impeachment against him; and do take Care that none but Members be admitted into that Place.

‘ *June 17, 1701, 13 Gul.* Ordered, That no Member of this House do presume to go into the Place appointed by the Lords for the Trial of the Lord *Somers*, without the Leave of this House.

‘ *June 20, 1701.* Resolved, That the Lords have refused Justice to the Commons, upon the Impeachment against the Lord *Somers*, by denying them a Committee of both Houses, which was desired by the Commons as the proper and only Method of settling the necessary Preliminaries, in order to the proceeding to the Trial of the said Lord *Somers* with Effect; and afterwards by proceeding to a pretended Trial of the said Lord, which could tend only to protect

protect him from Justice, by Colour of an illegal Acquittal; against which Proceedings of the Lords the Commons do solemnly protest, as being repugnant to the Rules of Justice, and therefore null and void.

‘ Resolved, That the House of Lords, by the pretended Trial of *John Lord Somers*, have endeavoured to overturn the Right of Impeachment lodged in the House of Commons, by the antient Constitution of this Kingdom, for the Safety and Protection of the Commons against the Power of great Men; and have made an Invasion upon the Liberties of the Subject, by laying a Foundation of Impunity for the greatest Offenders.

‘ A Motion being made, and the Question being put, That the ill Consequences, which may at this Time attend the Delay of the Supplies given by the Commons for the preserving the public Peace, and maintaining the Balance of *Europe*, by supporting our Allies against the Power of *France*, are to be imputed to those, who, to procure an Indemnity for their own enormous Crimes, have used their utmost Endeavours to make a Breach between the two Houses, it was resolved in the Affirmative.

‘ Ordered, That no Member of this House do presume to appear, on *Monday* next, at the pretended Trial of the Earl of *Orford*, upon Pain of incurring the utmost Displeasure of this House.

‘ *Nov. 2, 1702.* Resolved, That Right hath not been done the Commons upon the Impeachments before the Lords brought against divers Peers in the 13th Year of his late Majesty’s Reign.

‘ *Feb. 14, 1709.* Ordered, That nothing that shall be said by any Member of this House, or by any Person that shall be produced as a Witness in Behalf of the Commons of *Great-Britain*, in the Trial of Dr. *Henry Sacheverell*, be printed or published without the Leave of this House.

‘ Ordered, That no Persons but Members of this House do presume to sit in the Places prepared for the said Members in *Westminster Hall*, at the Trial of Dr. *Sacheverell*.

‘ Ordered,

‘ Ordered, That the Passage for the Members of the House, to and from their Places in *Westminster* Hall, be kept clear, for their more convenient Passage; and that the Serjeant and Officers, attending this House, do take Care accordingly.

‘ *Feb. 25, 1709.* Ordered, That the Door of the Place, appointed for the Members of this House, at the Trial of the said Dr. *Henry Sacheverell*, be not opened till Mr. Speaker comes to the same.

‘ Ordered, That the Managers of the Impeachment against Dr. *Henry Sacheverell* do first go out of the House to the Places appointed for them in *Westminster* Hall, before the other Members do go out of the House.

‘ Ordered, That after Mr. Speaker shall leave the Chair, according to the Resolution of the House, to be at the Trial of Dr. *Henry Sacheverell*, as a Committee of the whole House, the Members be called over, by the Clerk, by their Counties, as usual, for the more regular Proceeding.

‘ Ordered, That no Member do presume to go out of the House till the County for and in which he serves be called.

‘ Ordered, That the Constables of *Westminster* give their Attendance for keeping the Passage to and from *Westminster* Hall clear, that the Members of this House may not be incommoded. The same Orders *Feb. 9, March 15, 1715; and June 24, 1717, at Lord Oxford's Trial.*

‘ *May 9, 1668.* The House then resumed the Consideration of the Question, before proposed, which being again debated,

Orders and Resolutions touching Appeals and Writs of Error.

‘ Resolved, &c. That whosoever shall be aiding or assisting in putting the Order of Sentence of the House of Lords, in the Case of *Thomas Skinner* against the *East-India* Company, in Execution, shall be deemed a Betrayer of the Rights and Liberties of the Commons of *England*, and an Infringer of the Privilege of this House.

‘ Resolved, &c. That the Votes of the Lords, delivered at the late Conference, be kept in the Hands

of

of the Clerk of this House, but not entered in the *Journal*.

‘ *May 15, 1675.* Resolved, &c. That whosoever shall appear at the Bar of the Lords’ House, to prosecute any Suit against any Member of this House, shall be deemed a Breaker and Infringer of the Rights and Privileges of this House.

‘ *May 18, 1675.* Sir *Richard Temple* reports from the Lords, That he had attended their Lordships, according to the Commands of this House, with the Message in the Case of Mr. *Onslow*; to which the Lords returned an Answer; which, being in Writing, he delivered in at the Clerk’s Table, which was read, and is as follows, viz.

‘ The Lords do declare, That it is the undoubted Right of the Lords, in Judicature, to receive and determine, in Time of Parliament, Appeals from inferior Courts, altho’ a Member of either House be concerned, that there may be no Failure of Justice in the Land; and from this Right, and the Exercise thereof, their Lordships will not depart; and the Matter of the Lords’ Answer being debated, resolved, &c. That it is the undoubted Right of this House, that none of their Members be summoned to attend, or be proceeded against, in the House of Lords, during the Sitting or Privilege of Parliament, *May 18 and 19, 1675.*

‘ *June 7, 1675.* A Copy of an Order of the Lords Spiritual and Temporal in Parliament assembled, dated the 31st of *May* last, and served on Sir *John Fagg* on *Friday* last, was tendered and read, whereby the Lords have ordered to hear Counsel at the Bar, in the Case upon the Appeal there brought by *Thomas Shirley, Esq;* against Sir *John Fagg*, and the Answer thereunto, on *Tuesday* the 8th of this instant *June*, at Ten o’Clock in the Forenoon; and a Debate arising thereupon, resolved, *Nem. Con.* That as to the Case of Appeals brought against Sir *John Fagg* in the House of Lords, Sir *John Fagg* shall have the Protection and Assistance of this House.

‘ Resolved, *Nem. Con.* That if any Person, or Persons, shall be aiding or assisting in putting in Execution

cution any Sentence or Judgment that shall be given by the House of Lords upon the Appeal brought by Dr. *Shirley* against Sir *John Fagg*, a Member of this House, such Person and Persons shall be adjudged, and taken to be, Betrayers of the Rights and Liberties of the Commons of *England*, and the Privilege of this House, and shall be proceeded against accordingly.

‘ Ordered, That these Votes be made public, by setting them up in *Westminster Hall* and in the Lobby of this House; and that the Clerk of the House do take Care to see it done.

‘ *June 7, 1675. P. M.* Resolved, *Nem. Con.* That no Person committed for Breach of Privilege, by Order of this House, ought to be discharged, during the Sessions of Parliament, but by Order or Warrant of this House.

‘ Resolved, *Nem. Con.* That the Lieutenant of the Tower, in receiving and detaining in Custody Sir *John Churchill*, Mr. Serjeant *Pemberton*, Mr. Serjeant *Peck*, and Mr. *Charles Porter*, hath performed his Duty according to Law; and for his so doing he shall have the Assistance and Protection of this House.

‘ Resolved, *Nem. Con.* That the Lieutenant of the Tower, in Case he hath received, or shall receive, any Writ, Warrant, Order, or Commandment, to remove or deliver any Person or Persons, committed for Breach of Privilege, by any Order or Warrant of this House, shall not make any Return thereof, or yield any Obedience thereto, before he hath first acquainted this House, and received their Order and Direction how to proceed therein.

‘ Ordered, That these Resolves be immediately sent to the Lieutenant of the Tower.

‘ *June 9, 1675.* Resolved, *Nem. Con.* That no Commoner of *England*, committed by Order or Warrant of the House of Commons for Breach of Privilege, or Contempt of that House, ought, without Order of that House, to be, by any Writ of *Habeas Corpus*, or other Authority whatsoever, made to appear and answer; and to do and receive a Determination in the House of Peers, during that Session of Parliament wherein such Person was so committed.

‘ Re-

‘ Resolved, *Nem. Con.* That the Order of the House of Peers, for the issuing out Writs of *Habeas Corpus* concerning Mr. Serjeant *Peck*, Mr. Serjeant *Pemberton*, Sir *John Churchill*, and Mr. *Charles Porter*, is insufficient and illegal; for that it is general and express, no particular Cause of Privilege and Commands, the King’s Great Seal to be put to Writs not returnable before the said House of Peers.

‘ Resolved, *Nem. Con.* That the Lord-Keeper be acquainted with those Resolutions, to the End the said Writs of *Habeas Corpus* may be superseded, as contrary to Law and the Privilege of this House.

‘ *Nov. 19, 1675.* Whereas this House hath been informed of several Appeals, depending in the House of Lords from Courts of Equity, to the great Violation of the Rights and Liberties of the Commons of *England*. It is this Day resolved and declared, That whosoever shall solicit, plead, or prosecute any Appeal against any Commoner of *England*, from any Court of Equity before the House of Lords, shall be deemed and taken as a Betrayer of the Rights and Liberties of the Commons of *England*; and shall be proceeded against accordingly.

‘ Resolved, That Copies of this Resolution and Declaration be forthwith publicly affixed upon the Door of the Lobby of this House and *Westminster Hall* Gates, and upon the Gates of the two Serjeants Inns, and the four Inns of Court, and the several Inns of Chancery, to the End that all Persons concerned may take Notice thereof; and that the Serjeant at Arms, now attending this House, do cause the same to be so affixed accordingly.

‘ *Nov. 27, 1704, 3 Annæ.* Resolved, That this House will not give Leave to any of their Members to plead at the Bar of the Lords’ House, in Cases of Appeals from Courts of Equity.

On the King’s taking Notice of Business transacted in the House before determined, Breach of Privilege, &c.

‘ *Nov. 12, 1640.* Ordered, That Mr. Speaker be intreated to be here, this Afternoon, to sit at the great Committee for *Irish* Affairs; and, if there be Cause, to resume the House.

‘ Upon

‘ Upon Mr. Comptroller’s saying, That his Majesty taking Notice, &c. it was observed, the great Inconveniencies that might fall upon this House, if his Majesty should be informed of any Thing that is in Agitation in this House before it was determined, it was moved, That some Course might be taken for preventing this Inconveniency.

‘ *July 6, 1641. First*, Resolved, upon the Question, That the issuing out of the Warrants from the Lords, and others of the Privy Council, compelling Mr. *Holles*, and the rest of the Members of that Parliament, 3 *Car.* 1. during that Parliament, to appear before them, is a Breach of the Privilege of Parliament by those Privy Counsellors.

‘ *Secondly*, Resolved, &c. That the committing of Mr. *Holles* and the rest, by the Lords and others of the Privy Council, during the Parliament, is a Breach of the Privilege of Parliament by those Lords and others.

‘ *Thirdly*, Resolved, &c. That the searching and sealing of the Chamber, Study, and Papers of Mr. *Holles*, Mr. *Selden*, and Sir *John Elliot*, being Members of this House, and during the Parliament, and issuing Warrants to that Purpose, was a Breach of the Privilege of Parliament; and by those that executed it.

‘ *Fourthly*, Resolved, &c. That the exhibiting an Information, in the Court of Star-Chamber, against Mr. *Holles* and the rest, for Matters done by them in Parliament, being Members of the Parliament, and the same so appearing in the Information, is a Breach of Privilege of Parliament.

‘ *Fifthly*, Resolved, &c. That Sir *Robert Heath*, Sir *Humphry Davenport*, Sir *Heneage Finch*, Mr. *Hudson*, and Sir *Robert Berkley*, that subscribed their Names to the Information, are guilty thereby of the Breach of Privilege of Parliament.

‘ *Sixthly*, Resolved, &c. That there was Delay of Justice towards Mr. *Holles*, and the rest, that appeared upon the *Habeas Corpus*, in that they were not bailed in *Easter* and *Trinity* Term, 5 *Car.*

‘ *Seventhly*,

‘ *Seventhly*, Resolved, &c. That Sir *Nicholas Hyde*, then Chief Justice of the King’s Bench, is guilty of this Delay.

‘ *Eighthly*, Resolved, &c. That Sir *William Jones*, then being one of the Justices of the Court of King’s Bench, is guilty of this Delay.

‘ *Ninthly*, Resolved, &c. That Sir *James Whitlocke*, then one of the Justices of the King’s Bench, is not guilty of this Delay.

‘ *July 8, 1641. Tenthly*, Resolved, &c. That Sir *George Croke*, Knight, then one of the Judges of the King’s Bench, is not guilty of this Delay.

‘ *Eleventhly*, That the continuing of Mr. *Holles* and the rest of the Members in Prison, by the then Judges of the King’s Bench, for not putting in Sureties for their good Behaviour, was without just or legal Cause.

‘ *Twelfthly*, That the exhibiting of the Information against Mr. *Holles*, Sir *John Elliot*, and Mr. *Valentine*, in the King’s Bench, being Members of the Parliament, for Matters done in Parliament, was a Breach of the Privilege of Parliament.

‘ *Thirteenthly*, That the over-ruling of the Pleas, pleaded by Mr. *Holles*, Sir *John Elliot*, and Mr. *Valentine*, upon that Information, to the Jurisdiction of the Court, was against the Law and Privilege of Parliament.

‘ *Fourteenthly*, That the Judgment given upon a *Nihil dicit*, against Mr. *Holles*, Sir *John Elliot*, and Mr. *Valentine*, and Fine thereupon imposed, and their several Imprisonments thereupon, was against the Law and the Privilege of Parliament.

‘ *Fifteenthly*, That the several Proceedings against Mr. *Holles* and the rest, by committing them, and prosecuting them in the Star-Chamber, and in the King’s Bench, is a Grievance.

‘ *Sixteenthly*, That Mr. *Holles*, Mr. *Strode*, Mr. *Valentine*, and Mr. *Long*, and the Heirs and Executors of Sir *John Elliot*, Sir *Miles Hobard*, and Sir *Peter Harman* respectively, ought to have Reparation for their respective Damages and Sufferings against the Lords and others of the Council, that put
their

their Hands to the Information in the Star-Chamber, and the Judges of the King's Bench.

' *Seventeenthly*, That Mr. *Lawrence Whitaker*, being a Member of the Parliament, 3 *Car.* and entering into the Chamber of Sir *John Elliot*, (being likewise a Member of this Parliament) searching of his Trunks and Papers, and sealing of them, is guilty of the Breach of Privilege of Parliament; this being done before the Dissolution of the Parliament.

' Resolved, upon the Question, That Mr. *Lawrence Whitaker*, being guilty of the Breach of Privilege as aforesaid, shall be sent forthwith to the Tower, there to remain Prisoner during the Pleasure of the House.

' Mr. *Whitaker* was called down, and kneeling at the Bar, Mr. Speaker pronounced this Sentence against him.

' *Dec. 10, 1641.* Resolved, &c. That the setting of any Guard about this House, without the Consent of this House, is a Breach of the Privilege of this House; and therefore such Guards ought to be discharged.

' Resolved, &c. That this Guard shall be immediately discharged by the Command of this House.

' *Dec. 14, 1641.* The Gentleman-Usher of the Black Rod came and acquainted Mr. Speaker, That his Majesty had sent for the House of Commons to attend him presently in the Lords' House.

' *N. B.* The King's Speech not entered.

' To represent unto the Lords, How the antient Privilege of the Lords and Commons were now broken, in regard that his Majesty took Notice of a Bill that was passing before it was presented to his Majesty by the Consent of the Lords and Commons; and likewise in prescribing Savings, or Limitations, to a Bill before it was presented to his Majesty in the usual Manner; and to desire their Lordships to join with this House in petitioning his Majesty, That this Inconveniency and Breach of Privilege, for the future, may be forborne.

' Resolved, upon the Question, That a Message be sent to the Lords, to desire a Conference with the Lords concerning the Breach of Privilege of Par-

liament, in two Particulars, now moved concerning his Majesty's Speech; and to desire their Lordships to join with this House, in acquainting his Majesty herewithal, in an humble Petition; and to desire that the like Inconveniency may be forborne for the future.

' *Dec. 16, 1641.* Mr. *Pymme* reports from the Committee appointed to consider of the Breach of Privilege of Parliament, by reason of his Majesty's Speech to both Houses on *Tuesday* last. *First*, It was resolved, upon the Question, That the Privilege of Parliament was broken, by his Majesty's taking Notice of the Bill for pressing being in Agitation in both Houses, and not agreed upon.

' *Secondly*, Resolved, upon the Question, That the Privilege of Parliament is broken, That his Majesty should propound a Limitation and provisional Clause to be added to the Bill before it was presented to him by Consent of both Houses.

Thirdly, Resolved, &c. That the Privilege of Parliament is broken, in that his Majesty did express his Displeasure against some Persons, for Matters moved or debated in Parliament, during the Debate and Preparation of that Bill.

' That a declaratory Protestation shall be entered in the House, of the Claim of those Privileges and Liberties; and that the Lords shall be moved, That the like declaratory Protestation be entered in the *Journals* of their House.

' That a petitionary Remonstrance to his Majesty shall be prepared, declaring the Right of Parliament to these Privileges, and the Particulars wherein they have been broken; with an humble Desire, that the like may not be done hereafter; and that his Majesty will be pleased to discover the Parties, by whose Misinformation and evil Counsel his Majesty was induced to this Breach of Privilege, that so they may receive condign Punishment for the same; and that it be desired that his Majesty would take no Notice of any particular Man's Speeches or Carriage, concerning any Matter treated in Parliament.

‘ A declaratory Protestation and a petitionary Remonstrance, to the Effect above-mentioned, were presented to the House, and read.

‘ The Lords agreed to the same ; and it was to be presented by Committees of both Houses.

‘ Dec. 20, 1641. Resolved, &c. That, in no Case, a Protestation ought to be desired by any Member of this House, or admitted by this House, being desired.

‘ Jan. 3, 1641. Resolved, upon the Question, That the several Parties now sealing up the Trunks or Doors, or seizing the Papers of Mr. *Pymme*, Mr. *Holles*, or any other Member of this House, that the Serjeant shall be informed of, shall be forthwith apprehended, and brought hither as Delinquents ; and that the Serjeant shall have Power to break open the Doors, and to break the Seals from off the Trunks.

‘ Resolved, upon the Question, That Mr. Speaker shall sign a Warrant, directed to the Serjeant at Arms attending on this House, to the Effect of the Order abovesaid.

‘ Resolved, upon the Question, That if any Persons whatsoever shall come to the Lodging of any Member of this House, and there do offer to seal the Trunks, Doors, or Papers of any Member of this House, or to seize upon their Persons, that then such Members shall require the Aid of the Constable to keep such Persons in safe Custody till this House do give further Order ; and this House doth further declare, That if any Person whatsoever shall offer to arrest or detain the Person of any Member of this House, without first acquainting this House therewith, and receiving further Order from this House, that it is lawful for such Member, or any other Person, to assist him, and stand upon his or their Guard of Defence, and to make Resistance according to the Protestation taken to defend the Privilege of Parliament.

‘ Mr. *Francis*, Serjeant at Arms, sending in Notice, That he was commanded to deliver a Message from his Majesty to Mr. Speaker, whereupon he was called in to the Bar, without the Mace, and there he delivered this Message :

‘ I am commanded by the King’s Majesty, my
 ‘ Master, upon my Allegiance, that I should come
 ‘ and repair to the House of Commons, where Mr.
 ‘ Speaker is, and there to require of Mr. Speaker five
 ‘ Gentlemen, Members of the House of Commons;
 ‘ and that’ these Gentlemen being delivered, I am
 ‘ commanded to arrest them, in his Majesty’s Name,
 ‘ of High Treason; their Names are Mr. *Holles*, Sir
 ‘ *Arthur Haslrigge*, Mr. *Pymme*, Mr. *Hampden*, and
 ‘ Mr. *William Strode*.’

‘ Mr. Chancellor of the Exchequer, the Lord
Falkland, Sir *Philip Stapleton*, and Sir *John Ho-*
tham, are appointed to attend his Majesty; and to
 acquaint his Majesty, That this Message from his
 Majesty is a Matter of great Consequence; it concerns
 the Privilege of Parliament, and therein the Privilege
 of all the Commons of *England*; that this House will
 take it into serious Consideration, and will attend his
 Majesty with all Humility and Duty, with as much
 Speed as the Greatness of the Business will permit;
 and that, in the mean Time, this House will take
 Care that those Gentlemen, mentioned in the Mes-
 sage, shall be ready to answer any legal Charge laid
 against them.

‘ Mr. Speaker did, by Command of the House,
 enjoin these five Members particularly, one by one,
 to give their Attendance on this House, *de Die in*
Diem, till the House take further Order.

‘ Ordered, That the Serjeant do acquaint Serjeant
Francis, who attends without, that this House will
 send an Answer to his Majesty, to the Message he
 brought, by Members of their own House.

‘ *Jan. 4, 1641. P. M.* His Majesty came into
 the House, and took Mr. Speaker’s Chair.

Gentlemen,

‘ I am sorry to have the Occasion to come unto
 ‘ you; I sent a Serjeant at Arms, upon a very impor-
 ‘ tant Occasion to apprehend some, by my Command,
 ‘ who were accused of High Treason, whereunto I
 ‘ did expect Obedience, and not a Message; and I
 ‘ must declare unto you here, That albeit no King
 ‘ that ever was in *England* shall be more careful of
 ‘ your

‘ your Privileges, to maintain them to the utmost of
‘ his Power, than I shall do, yet you must know that,
‘ in Cases of Treason, no Person hath a Privilege; and
‘ therefore I am come to know if any of these Per-
‘ sons that I have accus’d are here; for I must tell you,
‘ Gentlemen, that, so long as these Persons that I
‘ have accused (for no slight Crime, but for Trea-
‘ son) are secreted, I cannot expect that this House
‘ will be in the right Way that I do heartily wish it;
‘ therefore I am come to tell you, that I must
‘ have them wheresoever I find them.—Well, since
‘ I see that all the Birds are flown, I do expect from
‘ you that you shall send them unto me as soon as
‘ they return hither; but I assure you, on the Word
‘ of a King, I never did intend any Force, but shall
‘ proceed against them in a legal and fair Way, for
‘ I never meant any other.

‘ And now, since I see I cannot do what I came
‘ for, I think this no unfit Opportunity to repeat
‘ what I have said formerly, That whatsoever I have
‘ done in Favour, and to the Good, of my Subjects,
‘ I do mean to maintain, &c.

‘ I will trouble you no more; but tell you I do
‘ expect, as soon as they come to the House, you
‘ will send them to me; otherwise I must take my
‘ own Course to find them.’

‘ When the King was looking about the House,
the Speaker standing below by the Chair, his Maje-
sty asked him Whether any of these Persons were in
the House? Whether he saw any of them? And
where they were? To which the Speaker, falling
on his Knees, thus answered:

May it please your Majesty,

‘ I have neither Eyes to see, nor Tongue to speak,
‘ in this Place, but as the House is pleased to direct
‘ me, whose Servant I am here; and I humbly beg
‘ your Majesty’s Pardon, that I cannot give any other
‘ Answer than this to what your Majesty is pleased
‘ to demand of me.’

‘ Jan. 5, 1641. Whereas his Majesty, in his Royal
Person, Yesterday, being the 4th Day of January,

1641, did come to the House of Commons, attended with a great Multitude of Men, armed in a warlike Manner with Halberds, Swords, and Pistols, who came up to the very Door of the House, and placed themselves there, and in other Places and Passages near to the House, to the great Terror and Disturbance of the Members thereof then sitting; and, according to their Duty, in a peaceable and orderly Manner, treating of the great Affairs of both the Kingdoms of *England* and *Ireland*; and his Majesty, having placed himself in the Speaker's Chair, did demand the Persons of divers Members of that House to be delivered unto him: It is this Day declared by the House of Commons, That the same is a high Breach of the Right and Privilege of Parliament, and inconsistent with the Liberties and Freedom thereof; and therefore this House doth conceive they cannot, with the Safety of their own Persons, or the Indemnity of the Right and Privilege of Parliament, sit here any longer, without a full Vindication of so high a Breach, and a sufficient Guard, wherein they may confide; for which both Houses jointly, and this House by itself, have been humble Suitors to his Majesty, and cannot yet obtain.

‘*Jan. 13, 1641.* Articles of Impeachment against five Members of this House, depending in the Lords’ House, were read.

‘Lord Grey is to go up to the Lords with this Message, to acquaint their Lordships that this House finds, under the Clerk’s Hand of their House, that there are Articles of High Treason exhibited in their House against divers Members of this House, and to desire their Lordships to be pleased to inform this House who did bring in the said Articles.

‘Lord Grey brings Answer, That Mr. Attorney-General did exhibit those Articles.

‘Mr. *Brown* reports from the Committee appointed to consider of Heads of a Conference, concerning the Articles against the five Members of this House, in *hæc Verba*:

‘Whereas we understand from your Lordships, that the King’s Attorney-General in the House of Peers

Peers hath preferred these Articles of High Treason, and other Misdemeanors, against Mr. *Denzil Holles*, Sir *Arthur Haslegrave*, Mr. *John Pymme*, Mr. *John Hampden*, and Mr. *William Strode*, Members of the House of Commons, we declare that this is a high Breach of the Privilege of the House of Commons, for which in due Time we shall desire Justice; and for the Intent that the Truth may be discovered, and that legal Proceedings may be speedily had, we desire your Lordships to require Mr. Attorney to answer these Questions.

‘ The four Questions proposed to be asked him, and his Answers. *Vide January 15, 1641.*

‘ Resolved, &c. That these shall be the Heads of the Conference, and that these Questions shall be then offered to the Lords to be propounded to Mr. Attorney.

‘ Resolved, &c. That the Impeachment made by Mr. Attorney in the House of Peers against the five Members of this House, is a high Breach of the Privilege of this House.

‘ *Jan. 15, 1641.* Ordered, That some Way be thought of for charging Mr. Attorney by this House as criminous, for exhibiting these Articles in the House of Lords against Members of this House, without any Information or Proof that appears; and that this House, and the Gentlemen charged by him, may have Reparation from him; and that he may put in Security to stand the Judgment of Parliament.

‘ Resolved, &c. That this Act of Mr. Attorney’s, in this Impeachment against Members of this House, is illegal, and a high Crime.

‘ Resolved, &c. That the Lords shall be desired by a Message, that Mr. Attorney put in good Security to stand to the Judgment of Parliament.

‘ Resolved, &c. That the Impeachment made by Mr. Attorney in the House of Peers against the five Members of this House, and the Proceedings thereupon, is a high Breach of the Privilege of Parliament.

‘ Bill against Mr. Attorney ordered *Feb. 2, 1641.* Articles of Impeachment against him, *Feb. 12, 1641.*

The End of these Orders, &c.

*A LETTER from WILLIAM LENTHALL, Esq;
Speaker of the Long Parliament, to the Speaker of
the Convention Parliament. Read in the House
June 11, 1660.*

*To the Right Hon. Sir Harbottle Grimston, Bart.
Speaker of the Lower House of Parliament.*

Mr. Speaker,

*Mr. Lenthall's
Letter to the
Parliament.*

I Find it not possible for me to take off the Misapprehensions of some Persons, misled by Arguments, of my great Gains which I got when I sat in your Chair, and especially that of Compositions, where it is thought I had 5 *l.* of every Compounder. 'Tis true, both Houses did so order it, but very shortly it was again disannulled; so that what I received of that was very inconsiderable, as may appear by Examination of the Books of the House, and the Serjeant at Arms; and the Clerks first reserving their Parts, paid mine unto me, which is a Check upon me. And as to the Profit concerning passing of private Bills, as it is paid by the Clerks, so it is check'd as aforesaid.

' Before his late Majesty's going from *London*, the House took into Consideration my great and extraordinary Charge and Loss, and gave me, by Vote, 6000*l.* but I never to this Day received the one Half of it; besides which I never had Gift of Land or Money, nor any Part of that 5 *l. per Diem* which is due to the Speaker, as Speaker, whilst he so continues. I shall desire you, Sir, to offer so much of this as shall be necessary to express me, with all Humility, to the House; but not as a Justification of myself, but to shew the Truth of my Condition. And this will very much oblige, Mr. Speaker,

Your most humble and faithful Servant,

W. LENTHALL.

From

From an Original in Dr. *Williams's* MS. Collections, Vol. VIII. N^o. 127. *William Lentball*, Esq; died Sept. 3, 1662, and very penitent, as appears from the following Account, in a Letter from Dr. *Ralph Bridcock*, who visited him in his last Sickness.

‘ **W**HEN, says he, I came to his Presence, he Account of the Death of *William Lentball* Esq; told me he was very glad to see me, for he had two great Works to do, and I must assist him in both; to fit his Body for the Earth, and his Soul for Heaven; to which Purpose he desired me to pray with him: I told him the Church had appointed an Office at the Visitation of the Sick, and I must use that; and he said, *Yes, he chiefly desired the Prayers of the Church*, wherein he joined with great Fervency and Devotion. After Prayers he desired Absolution; I told him I was ready and willing to pronounce it, but he must first come to a Christian Confession and Contrition for the Sins and Failings of his Life. *Well, Sir*, said he, *then instruct me to my Duty*. I desired him to examine his Life by the Ten Commandments, and wherein he found his Failings, to fly to the Gospel for Mercy. Then I read the Ten Commandments to him in Order, mentioning the principal Sins against each Commandment. To pass by other Things, (under the Seal of the Office) when I came to the fifth Commandment, and remembered him, That Disobedience, Rebellion, and Schism, were the great Sins against this Commandment, *Yes, Sir*, said he, *there's my Trouble; my Disobedience, not to my natural Parents, but against the Pater Patriæ, our deceased Sovereign*. *I confess, with Saul, I held their Cloaths whilst they murdered him; but herein I was not so criminal as Saul was, for, God thou knowest, I never consented to his Death; I ever prayed and endeavoured what I could against it, but I did too much, God forgive me!* I then desired him to deal freely and openly in that Business, and if he knew any of those Villains that plotted or contrived that horrid Murder, who were not yet detected, he would now discover them. He answered, *He was a Stranger to that Business,*

siness, his Soul never entered into that Secret; but what concerns myself, said he, I will confess freely. Three Things are especially laid to my Charge, wherein, indeed, I am too guilty: That I went from the Parliament to the Army; that I proposed the bloody Question for trying the King; and that I sat after the King's Death. To the first I give this Answer, That Cromwell, and his Agents, deceived a wiser Man than myself, that excellent King, and then might well deceive me also, as they did. I knew the Presbyterians would never restore the King to his just Rights, as those Men swore they would. For the second, no Excuse can be made, but I have the King's Pardon, and I hope Almighty God will shew me his Mercy also; yet, Sir, said he, even then, when I put the Question, I hoped the very putting the Question would have cleared him, because I believed there were four to one against it; but they deceived me also. To the third, I make this candid Confession, That it was my own Baseness, Cowardice, and unworthy Fear, to submit my Life and Estate to the Mercy of those Men that murdered the King, that hurried me on against my own Conscience to act with them; yet then I thought also I might do some Good, and hinder some Ill. Something I did for the Church and the Universities; something for the King when I broke the Oath of Abjuration, as Sir O. B. and yourself know; something for his Return also too, as my Lord G. M. J. T. and yourself, know: But the Ill I did over-weighed the little Good I would have done. God forgive me for this also. After this I remember'd him, That the Fathers of the Church had also been murdered and ruined, and ask'd, Whether he had any Hand, or gave any Consent therein? He answered, No; for I always did believe That was the primitive and best Government of the Church; and said, I die a dutiful Son of the Church of England, as it was established before those Times; for I have not seen the Alteration of the Liturgy. After this Office, wherein, indeed, he shewed himself a very hearty Penitent, he again desired the Absolution of the Church, which I then pronounced, and which he received with much Content and Satisfaction; For, said he, now, indeed,

indeed, do I feel the Joy and Benefit of the Office which Christ hath left in his Church. Then praying for the King that he might long and happily reign over us, and for the Peace of the Church, he again desired Prayers. The next Day he received the Sacrament; and after that Work I desired him to express himself to Mr. *Dickerson*, (a learned Physician, Fellow of *Merton College*, who received the Sacrament with him) concerning the King's Death, because he had only done it to me in Confession; which he did, to the same Effect as he had done to me. The rest of his Time was spent in Devotion and penetential Meditations to his very last.'

A LETTER, written from London unto a Burgo-Master of Amsterdam, touching the Lord Shaftesbury's Life and Conversation, from the Time he was in King Charles the First's Service at Oxford, unto this Day. From a Manuscript.

S I R,

London, Jan. 5, 1682.

‘YOURS of the 18th of December last past came safe to Hand, in which you give me an Account of the Arrival of the Earl of *Shaftesbury* and *Waller*, with others of that Cabal, now stigmatized with the Name of the Rump of the Association, or Protestant Plotters; and I am also to thank you for the printed Verses you sent me: But as to what you desire touching my giving you a Character of *Shaftesbury*, *Waller*, *Ferguson*, and others, now residing in your City, I do assure you that I am very incapable. Besides, it would be too large a Theme for a Letter; but, because you shall see that I am willing to gratify your Desires in every thing in my Power, I shall give you a short Narrative of the Earl of *Shaftesbury*, Sir *William Waller*, and Mr. *Ferguson*.

‘The Earl of *Shaftesbury* was, in the late rebellious Times in *England*, first a Captain in the King's Army, who, finding that the King's Army were like to be worsted by the Treasons then on the Tapet, he then deserted the King's Interest, and went,

Letters relating
to Lord *Shaftesbury's* Life and
Death.

went over to the Parliament then in Rebellion against the King; and there he staid no longer than he found the Parliament in Prosperity and Power against the Insolencies of their own Army. Then did this Sir *Anthony Ashley Cooper* (for so was then his Character) quit his Master's Interest, and joined with the Army and *Cromwell* to destroy the Parliament, and set up a Protector; and then his next Design was to marry with a Daughter of *Cromwell*, and to be one of *Cromwell's* Council: The latter he obtained, but not the Daughter. This incensed Sir *Anthony*, and then he joined with the Cabals against the Protector, and was revenged on the Protector's Son, *Richard Cromwell*. The next Design he had was to join with the Rump Parliament and Committee of Safety, and was a chief Leveller amongst *Lambert's* Party. And, lastly, finding that the Heavens began to frown on the rebellious Parties in *England*, and that he, discovering that General *Monke* was marching up for *London* with his Army, against the Rump Parliament, he, like a crafty Politician, early thrust himself into the Designs of General *Monke*, restoring to *England* their lawful King, whose Right it was to reign. Here might you find Sir *Anthony* very highly engaged against the City of *London*, counselling General *Monke* to march his whole Army into *London*, and to quarter them there untill they had pulled off the Gates of the City, and imprisoning such of the Aldermen and Magistrates of the City, untill they had signed to such arbitrary Conditions as *Monke* proposed to them; all which, in those Days, were no Crime in Sir *Anthony Ashley Cooper*, altho' now it's thought a Crime for to have the City governed by Law, and the very Laws of the Land.

' In the next Scene that Sir *Anthony* was acting a Part in, was his sitting as a Judge at the *Old Bailey*, hanging, drawing, and quartering his old Masters and Comrades, for the Treasons that he himself had a Part in: And now is Sir *Anthony* made a Baron of *England*, Chancellor of the Exchequer, and become an humble Servant of the King's: But here his Ambition would not stick, for he must be an Earl, and

and have the King's Bounty both in Grants of Lands, and no less than 10,000 *l.* at a Time given him out of the Treasury. Here might you see *Shaftesbury* in all Cabals, and a chief Contriver in that Cabal where the five first Letters of their Names spelt Cabal. In this Cabal he could not rest, but must have a new Design there; must be at War with *Holland*, and then there was Hopes that he might rise to be a Treasurer of *England*. Here he craftily persuaded the King to shut up the Exchequer, and other Counsels were given now, by sad Experience, prejudicial to the King and Kingdom, as shutting up the Exchequer, breaking the League, and seizing the * * * * * And at this Day might you have heard *Shaftesbury*, in Parliament, advising the King and his great Council to prosecute such a War against *Holland* as might level that proud, rebellious City of *Amsterdam*, (as he termed it) even with that of *Carthage*, *Delenda est Carthago*; a most unchristian-like Expression, they being a Protestant City and Government. And here give me Leave to observe to you, that it is very remarkable that it is a great Judgment of God upon *Shaftesbury*, that he is now forced to fly to this *Carthage* for a merciful Protection.

But to return to his Lordship: He then finding that Peace was made between his Majesty and the States General of the United Provinces, and that he had missed the Treasurer's Place, he then, with others of his Cabal, over-persuaded the King to dissolve a loyal Parliament, that then all the troublesome Spirits of the Nation might make up a Design with his Lordship, in Parliament, to subvert the Government and Religion, if possible. And now to tell you how many insolent and indecent Speeches were made in Parliament by his Lordship and his Party, would swell this to a great Volume; I will only tell you, that his Lordship at last grew so seditious and so troublesome, that he stopped not at the Endeavours of altering the Form of Government, but struck at the very Foundation of subverting the whole Body of the Law, and Kingly Government,
both

both in Church and State ; against the which Proceedings of this *Shaftesbury's* Association, the most Part of the Provinces, Cities, and Towns, have made their Addresses and Abhorrences of such a traiterous Design. These are the small Faults for which *Shaftesbury* is fled from the Hands of Justice in *England*.

‘ And now as to Sir *William Waller*, his Crimes are sufficiently known, and the Reasons of his quitting *England*, which is for robbing several Roman Catholics of their Books and Pictures, upon Account of searching for Priests ; and these Books and Pictures being now sold and pawned for Money, Sir *William Waller* is forced to fly, being indicted, and Actions brought against him for his unjust Proceedings.

‘ And as for *Ferguson*, he is not worth my naming him, being an inconsiderable *Brownist* Teacher of the *Brownist* Church, in *Amsterdam* ; a Fellow that hath written and published seditious, treasonable Lies against the King and Government, for which he had had his Reward, had not the Messenger been one half Hour too late at his Quarters in *London*.

‘ Thus I have given you a short Character of those you make Mention of in your Letter ; and as touching that Point in your Letter which speaks of their being made Burghers of your City, I will only say this to your Magistrates, That they, being wise Men, certainly will think of the making them Burghers ten Times over before they do it ; for they ought to have bad Opinions of such Men who have so often changed their Coats, both in Religion and Government, and therefore may do the like there, at least insinuate into the States Subjects some of their own base, rebellious Principles ; and when Opportunity shall present, may act over the same Things they have done to their own lawful Sovereign, unto Strangers. I will say no more but conclude, that I stand much amazed that the sober *Hollander*, who formerly writ those Words, *delenda est Carthago*, in Stadthouses, as a Memorial, should be so very charitably kind to his Lordship and his Crew, as I hear they are, the which I will
not

not believe untill confirmed by you ; nor can I believe that the proud, aspiring Spirit of the great Lord *Shaftesbury* can long endure to live as he now doth, having changed the Company of Princes and Noble Peers of *England*, and content himself with the Company of broken Merchants, nay Weavers, and such Rascality as the *Brownists'* Church do afford him in *Amsterdam*, for I hear that not one of the ruling Magistrates, or any of the Ministers of the Churches established by the Government, come near him, but are angry with him for joining himself with the *Brownists'* Church, who are looked upon as the greatest of Dissenters from the Presbyterian Church, and scarce one Man amongst them but is either Persons fled from the Rod of Justice of *England*, or else the Sons of Traitors or disaffected Persons to the King and Government, as may be named, Mr. *Cromwell*, Mr. *Phelps*, Mr. *Vener*, Mr. *Medlay*, Mr. *Freeman*, *Israel Hayes*, Alderman *Hayes's* Son, Sir *William Waller's* Landlord, *Thomas Garrett*, and others.'

A LETTER written from Amsterdam unto a Citizen of London, in which is a Relation of the Death of the Earl of *Shaftesbury*, in Answer to the foregoing.

S I R,

YOUR Letter of the 15th of *January* last, in which you sent me a brief Character of the Earl of *Shaftesbury*, Sir *William Waller*, and Mr. *Ferguson*, came not to my Hands untill the very Day that the Earl of *Shaftesbury* died, yet I have made Use of it by giving Copies of it to some of our Magistrates, and also to some of the preaching Ministers of our Church, who, believing his Lordship to be such a Sort of a Christian as you have painted him out to be, are very glad that Providence hath rid them of so ill a Guest, as he might have proved to be to their Government ; fearing that his bad Principles might, in Time, have poisoned the giddy Mobile of *Amsterdam*, as it hath done in *England*. I hope his Death will disperse the small inconsiderable Party he had

had with him in our City. When his Lordship first came to *Amsterdam*, his Agents, Mr. *Ferguson*, Mr. *Israel Hayes*, and others, endeavoured to persuade us that there were several Noblemen, and above 200 rich Merchants of *London*, that were all designed to quit *England*, and, if possible, make themselves Burghers of our City; all which proves very false, for I find that these great Numbers of rich Noblemen and Merchants are summ'd up in a Bankrupt Knight, a scandalous *Scots* Independent Parson, formerly a Teacher of the *Brownists'* Church in *Amsterdam*, and about five or six miserable poor Printers and Booksellers, who, now the Earl is dead, must either live on the Poor's Box of the *Brownists'* Church, or else, with Ropes about their Necks, beg their Pardon of the mercifullest of Princes. And here give me Leave to remark something you mention in yours to me, and that was where you say, That certainly the turbulent, restless Soul of the Lord *Shaftesbury* could not long subsist and live among such a Rascality of People as his Lordship had to converse with, the which, I understand, was the great Cause that hastened his End, for I am informed, that when he found that the Magistrates and Ministers of *Amsterdam* did not visit and court him, as was promised his Lordship by the *English* Fanatics of *Amsterdam*, especially being refused to be made an Upper Burgher, (as they term it) and his Lordship receiving rather a Discouragement from the Magistrates than otherwise, as may appear by the Burgo-Master's Speech to your Council; I say this was That that has shortened his Days, and so died miserably in a broken Coffey-Man's House, one of the Elders of the *Brownists'* Church. I will say no more, but wish that all the Enemies of your King, and our States, and the Prince of *Orange*, may make no more honourable a *Fiat* than this once great Pecr of *England* hath done.

Yours to command,







UNIVERSITY OF CALIFORNIA LIBRARY

Los Angeles

This book is DUE on the last date stamped below.



3 1158 00984 2724

J
301
H17
1762
v.23

UC SOUTHERN REGIONAL LIBRARY FACILITY



A 000 017 970 5

